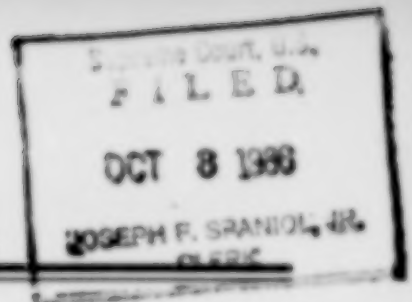


(3)  
**No. 86-228**



IN THE  
**Supreme Court of the United States**

OCTOBER TERM, 1986

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**JUOZAS KUNGYS**

*Petitioner,*

vs.

**UNITED STATES OF AMERICA,**

*Respondent.*

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**BRIEF AND APPENDIX AMICUS CURIAE IN  
SUPPORT OF PETITION FOR A WRIT OF  
CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE THIRD CIRCUIT**

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**NESTOR L. OLESNYCKY**

.955 Springfield Ave.  
Maplewood, N.J. 07040  
(201) 761-6480

*Attorney for Amici Curiae  
Ukrainian American Bar  
Association, et, als.*

**IHOR G. RAKOWSKY**  
*Of Counsel*

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EDITOR'S NOTE

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## QUESTIONS PRESENTED FOR REVIEW

I. DID THE THIRD CIRCUIT COURT OF APPEALS MAKE IMPROPER *DE NOVO* FINDINGS OF FACT AND, ON THE BASIS OF SUCH FINDINGS, CREATE A DILUTED "PROBABILITY" STANDARD OF PROOF FOR "MATERIALITY" UNDER THE SECOND PRONG OF *CHAUNT V. UNITED STATES*, 364 U.S. 350 (1960)?

II. ARE MISREPRESENTATIONS OF DATES AND PLACES OF BIRTH ON PETITIONS FOR VISAS AND FOR NATURALIZATION "MATERIAL" UNDER THE SECOND PRONG OF *CHAUNT*?

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JUOZAS KUNGYS,

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*Petitioner*

UNITED STATES OF AMERICA,

*Respondent.*

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**BRIEF AMICI CURIAE IN SUPPORT OF  
THE PETITION OF JUOZAS KUNGYS  
FOR A WRIT OF CERTIORARI**

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**AMICI**

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The UKRAINIAN AMERICAN BAR ASSOCIATION, UKRAINIAN NATIONAL ASSOCIATION, JOINT BALTIC AMERICAN NATIONAL COMMITTEE, ESTONIAN AMERICAN NATIONAL COUNCIL, LITHUANIAN AMERICAN COUNCIL, AMERICAN LATVIAN ASSOCIATION IN U.S.A., INC., AMERICANS FOR DUE PROCESS, BALTIC AMERICAN FREEDOM LEAGUE, BYELORUSSIAN AMERICAN ASSOCIATION, UKRAINIAN AMERICAN JUSTICE COMMITTEE, and THE COALITION FOR CONSTITUTIONAL JUSTICE AND SECURITY are organizations who represent or whose members include naturalized United States citizens of Ukrainian, Latvian, Lithuanian, Estonian and Byelorussian descent. Many of these persons are former refugees or displaced persons who fled from their homelands before the advancing Soviet armies towards the end of World War II, subsequently refusing to return to their homelands after the War for fear of

political persecution by the Soviets, and eventually obtaining immigration visas from United States Consulates in Germany and Austria for entry into this country.

Amici Curiae have obtained the written consents of counsel for petitioner and for respondent and pray that a writ of certiorari be granted to review the judgment of the Third Circuit Court of Appeals in *United States v. Kungys*, 793 F.2d. 516(3d Cir. 1986).

This amicus brief contains a fuller argument on the absence of any legal requirement that a refugee also had to be a victim of Nazi persecution to be eligible for a non-preference quota immigration visa, and on the incorrectness of the Third Circuit's conclusion that misrepresentations as to date and place of birth are now "material." These issues are critical to countless naturalized citizens who fled from Soviet-occupied lands. The Third Circuit's conversion of heretofore immaterial misrepresentations of date and place of birth on immigration papers under the first prong of *Chaunt v. United States*, 364 U.S. 350(1960), into "material" misrepresentations under the second prong of *Chaunt* has resulted in a revision of history based on hypothesized facts and jeopardizes the citizenship of those who cannot establish that they were victims of Nazi persecution.

### STATUTE

The federal statute involved in Section 340(a) of the Immigration and Nationality Act of 1952, as amended, (8 U.S.C. 1451(a)), which provides in pertinent part for revocation of naturalized citizenship "procured by concealment of a material fact or by willful misrepresentation."

### STATEMENT OF THE CASE

The Third Circuit Court of Appeals in the instant case made *de novo* findings of fact that the holding of a German

residency permit "without special restrictions" by a Lithuanian refugee who had fled from the advancing Soviet front and who had obtained such permit from the German civil authorities in the Third Reich shortly before the end of the war, "tended" to show that he was not a victim of Nazi persecution. Applying a "probability" test to the second prong of *Chaunt*, the Third Circuit concluded he was thus ineligible to receive a non-preference, quota immigration visa, which the Court further found could have been issued only to victims of Nazi persecution.

The Third Circuit ignored the finding of the District Court which rejected as "in error" the testimony of Seymour Maxwell Finger, a former career Foreign Service Officer who had testified that at the time petitioner applied for his visa, only victims of Nazi persecution were issued non-preference, quota immigration visas. Mr. Finger contended that the Nazi persecutee requirement was contemporary immigration policy embodied in a regulation or regulations, but no such regulation was produced or proffered by the government at trial. Nevertheless, the Third Circuit, ignoring the holding of this Court just two months earlier in *Icicle Seafoods, Inc. v. Worthington, et al*, 106 S. Ct. 1527(1986), that appellate courts are not to make *de novo* findings of fact in cases tried without a jury in the District Court, made its own finding of fact that such a requirement did in fact exist.

Based upon that hypothesized disqualifying fact, the Third Circuit concluded that misrepresentations or concealments by the defendant about his date and place of birth became material under the second prong of *Chaunt*. The significance to the Amici Curiae of the Third Circuit's fact finding and holding lies in the creation of a novel judicial test for proving "materiality", whereby the mere status of

not having been a victim of Nazi persecution can be construed to mean that such refugee or displaced person illegally procured his or her visa, and misrepresentations as to date and place of birth are now deemed "material" pursuant to a diluted probability standard of proof under the second prong of *Chaunt*.

It is a historical fact that thousands of Eastern Europeans, who cannot prove that they were victims of Nazi persecution, fled the advancing Soviet armies before the end of the Second World War, or refused to go back to their countries of birth or origin afterwards for fear of persecution by the Soviets. (See Appendix A: *Report of the Repatriation Poll of Displaced persons in UNRRA Assembly centers in Germany for the period 1-14 May, 1946: Analysis of Negative votes. Attachment 8. U.N. PAG-4/3.0.11.0.1.4:2*). It stands to reason that left unchallenged, the Third Circuit's decision will affect countless former refugees and displaced persons who are now subject to denaturalization proceedings for having illegally procured their visas since they were not also victims of Nazi persecution.

#### **REASONS FOR GRANTING THE PETITION FOR A WRIT OF CERTIORARI:**

- A. NATURALIZED CITIZENSHIP WILL BE UNDULY JEOPARDIZED BY A DILUTED "PROBABILITY" STANDARD OF PROOF FOR "MATERIALITY" UNDER THE SECOND PRONG OF *CHAUNT*, AS DEMONSTRATED BY THE THIRD CIRCUIT'S REVISION OF HISTORY BASED ON HYPOTHESIZED FACT FINDING.**

The District Court had before it in evidence (Petitioner's App. E, 140a-141a Exh D-34) the actual non-preference quota immigration visa regulations in effect

immediately after World War II, as published in the Federal Register on December 22, 1946, which provided in priority category 3(i)(c) for the issuance of non-preference visas to "Displaced persons covered by the President's Directive of December 22, 1945." 22 C.F.R. 61.313(a)(3). Those visa regulations which, were the governing law, remained in effect until the passage on June 25, 1948 of the Displaced Persons Act of 1948, 50 U.S.C. App. (1952 ed.) Sec. 1951 et seq. There is nothing in the regulations or in the Directive of President Truman included therein which interprets "displaced persons" to be coterminous with "victims of Nazi persecution." (See Petitioner's Appendix F, Page 143a).

Further evidence contrary to the findings of the Third Circuit is contained in articles published contemporaneously by the Immigration and Naturalization Service in its "Monthly Review" by then INS Commissioner Ugo Carusi. Commissioner Carusi was designated by President Truman as Chairman of an interdepartmental committee to supervise the execution of the President's Directive of December 22, 1945 so that visas would be distributed fairly among persons of all faiths, creeds and nationalities. He reported that "the major group affected by President Truman's Directive of December 22, 1945 are displaced persons and refugees who are natives of Central and Eastern Europe and the Balkans." (See Appendix B: *President Truman's Plan for Refugees*, Monthly Review, Vol. III, No. 7 (January 1946), pp. 254-255).

In March of 1946, Commissioner Carusi went to Germany with the head of the Visa Division of the State Department and other members of the interdepartmental committee and concluded that it was immediately necessary to establish categories to describe those persons who could properly be classified as displaced persons. He then described five categories of displaced persons which

included " . . . persons who feared to return to their homes because of possible religious or political persecution." (See *Appendix C: Displaced Persons*, Monthly Review, Vol. IV, No. 5 (November 1946), p. 54.) Commissioner Carusi further confirmed that "[t]he President had requested that care be exercised to assure that no one group would be favored over another nor discriminated against." *Ibid.* To have granted non-preference immigration visas *only* to victims of Nazi persecution would actually have been a violation of the law since the regulation was intended to cover all displaced persons. (See *Petitioner's Appendix E* at p. 140a).

The actual number of "displaced persons" who were admitted into the United States with quota visas under the regulation contained in 22 C.F.R. 61.313 by November 30, 1947 was 26,801 from over 40 countries. (Appendix D: *Displaced persons in the United States*, Table No. 1, Monthly Review, Vol. V, No. 7, (Jan. 1948) p.104).

A Special Subcommittee on Foreign Affairs reported that there were three principal groups of "displaced persons":

"(1) the liberated forced-labor group who were brought into Germany from Poland, Yugoslavia and the Ukraine; (2) the Baltic group, those who fled from the Baltic States ahead of the armies in 1944 (the Balts include Latvians, Lithuanians, and Estonians); and (3) the Jewish displaced persons, most of whom come from the Eastern European countries." *Id* at p. 103 and *Displaced Persons and the International Refugee Organization: Report of a Special Subcommittee on Foreign Affairs*, 80th Congress, First Session, p.2. Washington 1947. (Appendix D, f.n.2, p. 103)

Despite this plethora of accessible historical facts, showing the wide scope of eligibility of displaced persons for non-preference quota immigration visas under the regulations and the Truman Directive included therein, the Third Circuit ignored the regulations and casually devoted a mere footnote to its misreading of the President's Directive of December 22, 1945 as speaking "only in general terms concerning the need to resettle displaced persons and particularly orphaned children." (F.N.10, Petitioner's App. A, 33a). In fact the median age of the 28,789 displaced persons admitted under the regulations was 31.9 years, with only 6,961 immigrants being under 21 years old. (*Displaced Persons in the United States*, *id.* at p. 104).

Instead, the Third Circuit relied on the blatantly erroneous and totally unsubstantiated testimony of Seymour Finger and came up with a revision of history. (See Appendix E: Dept. of State Bulletin, Vol. XV; No. 386, Nov. 24, 1946 at pg. 935; *see also* Appendix F: Dept. of State Bulletin Vol. XVII, No. 419, July 13, 1947 at pp. 86-88).

Interestingly, the Court of Appeals cites 22 C.F.R. sec. 61.329 (supp. 1946), yet fails to cite 22 C.F.R. sec. 61.313 (supp. 1946), (Appendix G), which is found in the very *same* volume as 22 C.F.R. 61.329, and which places in the *first* priority nonpreference class of quota immigrants the following: "Displaced Persons covered by the President's directive of Dec. 22, 1945 and his directive of Oct. 31, 1946." *ibid.* Such selective citation is not only legally unacceptable, but also has resulted in a judicial ruling that threatens the naturalized citizenship of thousands. An overview of President Truman's position as to displaced persons can be found in Appendix H: Dep't State Bull. Vol. XVI No. 401, March 9, 1947, pp. 423-429.

A brief review of documentation relating to two United Nations agencies created to deal with refugee problems for

which the United States provided funding sheds further light on the definitions of "refugees" and "displaced persons." Appendix I, dated June 24, 1946, is taken from United Nations Archives dealing with the United Nations Relief and Rehabilitation Administration ("UNRRA"), and is known as "Order No. 52, Eligibility for UNRRA Assistance." (U.N.PAG-4/4.2-82). It clearly spells out the fact that among eligible persons were those "who were displaced as a result of the War from their country of origin, citizenship, or previous residence" during the time period Sept. 1, 1939 until the cessation of hostilities.

On July 1, 1947, the International Refugee Organization (IRO) rules and regulations superceded and replaced the prior UNRRA rules. UNRRA and IRO were the two United Nations-formed agencies dealing with refugees and persons displaced by the Second World War. Under either the UNRRA or IRO standards petitioner was *prima facie* eligible for assistance, as were thousands of Eastern Europeans fleeing from and refusing to return to the Soviet-occupied territories. It is critical to note that neither the UNRRA nor IRO standards (nor, for that matter, the Displaced Persons Act, *supra*, which relied upon the IRO Constitution for its eligibility criteria) made Nazi persecution the sole determinant of eligibility. As an example of those stated to be *prima facie* eligible were residents of the Baltic countries (other than German Balts) as well as residents of Poland, the USSR, the Ukrainian and Byelorussian SSRs.

Appendix J, the IRO Constitution, lists two eligible classes of persons, refugees and displaced persons. Among the classes of refugees, persecutees were only two of six eligible categories, even under the most liberal reading of the list. (Annex I, Part I, Section A, 1-4.) Eligible refugees were also defined in Section A, para. 2 as those who, other than displaced persons, were outside their country and who,

as a result of events subsequent to the outbreak of the War were unable or unwilling to return to their country. Nothing is mentioned about persecution as a criterion of eligibility.

The conditions of IRO Eligibility are found in Section C, and give a choice of repatriation or of going elsewhere if the refugee or displaced person had "valid objections" to repatriation. These conditions clearly applied to persons other than the victims of Nazi persecution.

Thus, there was no historical or regulatory basis for Mr. Finger to have testified at trial that only Nazi persecutees were issued non-preference visas. His testimony was at best disingenuous, and at worst a blatant revision of history. Cloaked now in judicial pronouncement as the law within the Third Circuit, it calls into question the visa eligibility of thousands of Eastern Europeans who satisfied the actual eligibility criteria of the time, but not the Nazi persecutee standard devised by the Third Circuit Court of Appeals. This case demonstrates the improper use of hypothesized facts warned against by Justice Blackmun in his concurring opinion in *Fedorenko v. United States*, 449 U.S. 490 (1981) and begs for a clarification of the second prong of *Chaunt*.

**B. THE THIRD CIRCUIT'S HOLDING THAT MISREPRESENTATIONS AS TO DATES AND PLACES OF BIRTH IN VISA AND NATURALIZATION PETITIONS ARE "MATERIAL" UNDER THE SECOND PRONG OF CHAUNT IS INCONSISTENT WITH PRIOR HOLDINGS, EVEN WITHIN THE THIRD CIRCUIT, AND WITH PRIOR ENFORCEMENT POLICY OF THE DEPARTMENT OF JUSTICE.**

On the few occasions that courts have addressed even peripherally the question of the materiality of incorrect dates and places of birth in immigration papers, the courts have determined such misstatements to be immaterial.

In *United States vs. Kowalchuk*, 744 F.2d 301 (3d Cir. 1984) (publication withdrawn), even the dissenting judge on the Third Circuit panel which had initially ruled in favor of the defendant acknowledged that:

" . . . misrepresentations having no bearing on the issues involved such as place of birth or personal data statements often made under duress to avoid repatriation, should not serve as a basis for exclusion . . .

. . . These are inconsequential nondisclosures that Congress and the courts have chosen to absolve".

Judge Rosenn's dissent went on to cite this Court's opinion in *Fedorenko vs. United States*, *supra*, and the legislative history of the Immigration and Nationality Act of 1952, 212(a)(10), 8 USC 1182(a)(19) (1982) as authority for the immateriality of incorrect dates and places of birth on immigration papers.

In *United States v. Kairys*, 600 F. Supp. 1254 (N.D. Ill. 1984), aff'd 782 F.2d 1374 (7th Cir. 1986), the Government sought to revoke the defendant's citizenship partly on the grounds that he had provided a false birthdate and false place of birth in his visa and naturalization papers. The trial judge concluded that he " . . . is persuaded that the false information was wilfully represented by defendant. It is, however, not material as that term has come to be defined." (600 F. Supp. at p. 1267). While the court went on to acknowledge that the meaning of the *Chaunt* standards remains unclear, and that the circuits are divided on this issue, and further that the Seventh Circuit had yet to rule on the issue, it left no doubt that, at least as far as the trial court was concerned, false information as to date of birth and place of birth is not material.

In a revealing footnote, the court wondered how denaturalization based upon the possibility that the disclosure of non-disqualifying facts years earlier could conceivably have led to the discovery of disqualifying facts squares with the Supreme Court's express recognition in *Schneiderman v. United States*, 320 U.S. 118 (1943) that denaturalization, in which the government "seeks to turn the clock back" is significantly different from the original naturalization. (600 F. Supp. at p. 1265). As the Court in *Schneiderman* concluded, citizenship once granted is a right which should not be taken away without the clearest of justification and proof. The trial court in *Kairys* recognized that a higher burden of proof is required when the priceless status of citizenship is being revoked and was properly concerned that retroactive reliance upon previously non-material facts in denaturalization proceedings so as to now make such facts material might be contrary to the *Schneiderman* requirement of a higher standard of proof.

Not only the courts, but also the Justice Department has recognized that misstatements as to date and place of birth are immaterial and should not be the basis for denaturalization proceedings. Allan A. Ryan, Jr., (a former Director of the Office of Special Investigations of the United States Justice Department, a former attorney with the Office of Solicitor General, and a former law clerk to a Justice of the Supreme Court) recognized the reality that numerous refugees from the Soviet front lacked authentic proof of birth, or had misrepresented their dates and/or places of birth, and publicly assured such persons that their citizenship was not in jeopardy. In his speech to the Ukrainian American Bar Association on October 30, 1982, in East Hanover, N.J., Director Ryan promised:

"Many immigrants, otherwise innocent of wrongdoing, gave false dates of birth or false places of birth when they applied for a visa. Are they subject to prosecution? The answer is No." (Address of Allan A. Ryan, Jr., Director, Office of Special Investigations, to Ukrainian American Bar Association, East Hanover, N.J., (October 30, 1982)).

Unfortunately, the Third Circuit has now provided an unsound basis for denaturalizing citizens by retroactively converting immaterial misrepresentations as to dates and places of birth into "material" misrepresentations for those who do not have the status of or cannot prove that they were victims of Nazi persecution.

## CONCLUSION

For the aforementioned reasons, it is imperative that the Supreme Court reverse the Third Circuits's holding which implies that inability to establish that one was a victim of Nazi persecution means that an individual had illegally procured his citizenship, and clarify that misrepresentations as to date and place of birth in immigration papers are not "material" within the meaning and intent of Section 340(a) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. 1451(a).

Respectfully submitted,

NESTOR L. OLESNYCKY  
Attorney for Amici Curiae  
Ukrainian American Bar  
Association, et als.

Date: October 7, 1986



## APPENDIX A

**REPORT OF THE REPATRIATION POLL  
OF DISPLACED PERSONS  
IN UNRRA ASSEMBLY CENTERS IN GERMANY  
FOR THE PERIOD 1-14 MAY, 1946:  
ANALYSIS OF NEGATIVE VOTES,  
ATTACHMENT 8 P.A.G. — 4/3.0.11.0.1.4:2  
Why the Displaced Persons Refuse To Go Home**

**GERMANY  
MAY 1946**

**ATTACHMENT 8**

The following analysis of reasons why approximately 82% of the displaced persons voted not to return home is based solely on their own statements and on summary analyses prepared by the town directors, who, through daily contact with the DPs are best fitted to analyse their present position with regard to repatriation.<sup>1</sup> Observations contained herein should in no way be construed as representing the views of the UNRRA staff in Germany. They are the views of the private individuals in the centers, and are

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<sup>1</sup> After following a policy of encouraging outright repatriation of "former Soviet nationals" and others whose homelands came under Soviet control after 1945, the United Nations Relief and Rehabilitation Administration (UNRAA) found that about one million displaced persons (DPs) under its care refused to be repatriated. Approximately fifty-two nationalities were among these DPs, and they were dispersed among 920 camps in Germany, Austria, and Italy. Not fully understanding their reluctance, UNRRA officials in the U.S. Zone of Occupied Germany decided to conduct a secret poll among the DPs, during 1-14 May 1946. Each DP was handed a sheet and asked to answer the following questions: (1) what nationality do you claim?; (2) do you wish to be repatriated now? (yes/no); (3) if your answer to 2 is "no," explain your reasons in the space below.

included for the purpose of presenting a comprehensive picture of the group motives, personal motives and repatriation desires of the displaced persons.

Due to the tremendous number of ballots received and the variety of replies in a multitude of languages, it has been impossible to make an accurate numerical calculation of the different reasons. The percentages quoted in this report are therefore based on the most reliable estimates available.

It is interesting to note that nationals of so-called Western countries give both personal and economic reasons for not going home now, while the Eastern Europeans generally fall back on political factors as their primary explanation. The Eastern Europeans seem to show a real fear in their replies, the fear increasing the further east the home of the voter. Nevertheless, there is reason to believe that, among many of these people, the political explanation serves merely as a convenient justification and cover for underlying motives which are essentially personal and economic. Camp directors throughout Germany point to a general impression of demoralization and inertia among the Poles particularly, a reluctance to leave a comparatively secure and comfortable existence for a life of toil and hardship in their war-torn country.

*Annex "A"* contains some typical replies from the principal nationalities.

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No exact figures on the total number of respondents were given by UNRRA, but the poll gave UNRRA and the U.S. military authorities their first comprehensive understanding of the difficulties involved in repatriation. Although some facts and analyses in the report are inaccurate and misleading, the document does shed light on why DPs did not want to return home after the war. (Ed.)

### Estonians, Latvians, and Lithuanians<sup>2</sup>

The displaced persons from the Baltic countries of Estonia, Latvia, and Lithuania submitted an almost unanimous vote against repatriation. They can be considered as a single group, since their backgrounds are similar and all of their replies express the same unwavering determination not to return to their homelands as long as they are occupied by the Russians.

The principal groups among the Balts come from the so-called "middle" and "upper-middle" classes. Many are well educated and enjoyed the prosperous, independent life of the average intellectual, professional or businessman before the war. Others were independent farmers, small artisans or craftsmen. They started coming into Germany in large numbers in 1941-42, when the Germans first occupied the Baltic lands. It is difficult to determine how many of them came voluntarily, seeking better jobs, and how many

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<sup>2</sup> Granted sovereignty in 1919, the Baltic states of Estonia, Latvia, and Lithuania were included in a plan secretly arranged by Nazi Germany and the USSR for dividing these states into spheres of influence. In the secret protocol of the Nazi-Soviet Pact, 23 August 1939, Finland, Estonia, and Latvia were ceded to the Soviets. By the Nazi-Soviet friendship treaty, 28 September 1939, Lithuania was similarly brought under Soviet domination. Profiting from the German advance of May-June 1940 on the Western front, Soviet troops overran all the Baltic states, including the Lithuanian border strip reserved for Germany by the friendship treaty. On 15 June 1940 Soviet forces entered Lithuania, and two days later they were in Latvia and Estonia. In August 1940 the USSR officially incorporated these states into the USSR as the fourteenth, fifteenth, and sixteenth Soviet republics.

After the German invasion of the USSR, the three countries, together with part of Belorussia, constituted the *Reichskommissariat Ostland*, under the direction of *Gauleiter* Heinrich Lohse, and were deprived of their autonomy. With the end of the war, attempts to reconstitute independent governments failed and the Red Army restored the political situation of 1940. By 1946 there were an estimated 190,400 Balts under UNRRA care. (Ed.)

were actually deported to Germany. It is significant, however, that very few of this group were persecuted by the Nazis, and that practically none of them have returned home. The bulk of the "displaced" Balts, however, appear definitely to have entered Germany in late 1944, fleeing, not from the enemy, but from the Russians.

Their primary objection to repatriation is based on political reasons. Approximately 90-95% of them express an outspoken antagonism toward "Communism as a way of life" and especially toward "the Russian occupation of their countries." (It is interesting to note that some of the answers were anti-communistic as opposed to anti-Russian, but the majority made no distinction between the two.) Most of their reasons are not a mere parrot-like repetition of political propaganda which characterizes the Polish vote, but arguments apparently based on personal experience during the Russian occupation of 1940/1 when relatives and friends were "transported to Siberia in sealed cars without food or water, never to be heard of again." They express the fear that the same may happen to them if they return. Some refer to the time the Communist party was voted into power in a "free election," held after all the parties but one were dissolved, in which everyone was forced to vote.

The actual replies on the ballots vary from a guarded "our country is occupied" to ferocious denunciations of "Russian dictatorship." Such words as "sadism," "reign of terror," "bestial," "murderous" etc. appear frequently in the descriptions of Communism. A few quoted Molotov's statement made in 1940 to the effect that the Baltic nations must be destroyed. About 30-40% of the Baltic DPs state that they have lost relatives or friends, either killed or deported by the Russians. There is no way of telling whether or not this figure is accurate, but their reasons for not desiring repatriation seem to be motivated by a real fear of

personal persecution, deportation or even death at the hands of the Russian secret police.

Closely linked with the political reasons for not desiring repatriation are the economic ones. These were mentioned by approximately 60% of the Balts, usually as a secondary factor, in connection with the communistic regime. Only about 10% based their primary reason for not returning on economic factors. A large number of these DPs were accustomed to a fairly high standard of living before the war. "The confiscation of all private property" has reduced many formerly well-to-do Balts to a position where they could not hope to return to their previous way of life. A number of the Baltic farmers, particularly Lithuanians, claim to have had their land taken away from them during the Russian occupation and were forced to join "Kolchozes" [kolkhozy] or farming communities. They now refuse to return. The uncertainty of being able to buy food at normal prices, the shortage of houses, the prospect of unemployment and the unfavorable currency exchange, all vital problems to the Poles, seem to be relatively insignificant factors contributing to the anti-repatriation desires of the Balts, who for the most part have not considered repatriation seriously enough to think about these problems.

In addition to the fear of economic persecution, the fear of religious persecution is also mentioned as a secondary reason for not wanting to go home. Some mention the days in 1940/1 when they "weren't allowed to go to church"; some fear reprisals for their former membership in religious organizations, while others merely state that "in my country today religion is suppressed and the institution of marriage does not exist."

The majority of the Balts sincerely want to return, provided they can return to a "free, democratic country." Some of them are optimistic enough to state that they

"expect" to go home as soon as a democratic government is established. A group of Latvians and Lithuanians in one camp have reluctantly accepted the present situation in their former countries as final and are hoping to immigrate to either the U.S., Canada or Africa. However, the majority of Balts seem to be waiting in Germany for the "occupation" of their countries to end, for there is very little mention of resettlement as a solution to the Baltic "hard-core" problem.<sup>3</sup>

### Poles<sup>4</sup>

With very few exceptions, the Poles in the U.S. and British Zones gave political reasons for their negative votes in the repatriation poll. The three basic complaints, repeated again and again, were the "presence of Russians in Poland," "the Communistic Warsaw government," and "the lack of personal freedom in Poland." Although most of the Poles claimed the same reasons for not wanting to go home, it is clear from the comments on their ballots that they did

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<sup>3</sup> These were persons considered to be non-repatriable, either because they were unacceptable to their country of origin or were unwilling to be repatriated. (Ed.)

<sup>4</sup> On 1 September 1939 Poland was invaded by Germany and on 17 September by the Soviet Union. Polish army units were soon forced to surrender to the Germans or the Red Army. According to the 28 September 1939 agreement between Ribbentrop and Molotov, Poland was divided along the Narva-Bug-San rivers; that is, approximately along the Curzon Line (see note 7). In the German sphere, some territories were incorporated directly into the Reich, and the central part of the country was organized under the General Government of Occupied Poland.

On 7 May 1945, the day the Germans capitulated, Poland was split between a Polish government recognized by the Western Allies and a Polish Committee of National Liberation recognized by the USSR. A solution of sorts was worked out with the creation of the Provisional Government of National Unity in Moscow in June 1945. On 5 July 1945 the major Western powers withdrew recognition of the London-based Polish government-in-exile. (Ed.)

not all have the same motivation for their answers. In general, the Poles who quoted political reasons can be broken down into three groups.

The first and smallest of these groups is made up of those so-called leaders and intellectuals who have an ideological conception of Poland as a "free democracy" and refuse to return under present conditions. They claim to abhor the thought of "Communism" in Poland, the "Russian-dominated Warsaw government," the "occupation by Russian troops," the alleged repression of democratic freedom, and feel that they can do more for their fatherland by not returning now. A few described the conditions under which they would return: "When the Atlantic Charter is applied;" "When the Russians leave;" "When General Anders returns;"<sup>5</sup> "When Democracy has been established

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<sup>5</sup> The Atlantic Charter was a statement of fundamental principles for the postwar world order, issued jointly by Roosevelt and Churchill after meetings during 9-12 August 1941 in Argentia Bay, Newfoundland. The main terms were: (1) a renunciation of territorial or other aggrandizement by the United Kingdom and the United States; (2) opposition to territorial changes contrary to the wishes of the people immediately concerned; (3) support for the right of peoples to choose their own form of government. On 15 September 1941 it was announced that fifteen nations fighting the Germans and Italians (including the USSR) had endorsed the Atlantic Charter. Stalin, however, added a proviso: "Considering that the practical application of these principles will necessarily adapt itself to the circumstances, needs, and historic peculiarities of particular countries, the Soviet Government can state that a consistent application of these principles will secure the most energetic support on the part of the government and peoples of the Soviet Union." (Ed.)

<sup>6</sup> Wladyslaw Anders (1892-1970), a Polish Army commander, was wounded and captured by the Soviets in September 1939 and released in July 1941. He then formed an army of 75,000 citizens of Poland (including non-Poles) who fought on the British side in the Near East and participated in the capture of Monte Cassino in May 1944 and of Bologna in April 1945. Anders was politically allied to the Polish government-in-exile based in London and headed by General Sikorski. (Ed.)

as in England." Some feel that since they have not returned home before now, they will be suspected and possibly persecuted regardless of their innocence of collaboration. This first group is the only one which mentions terroristic treatment by Russians and fear of reprisals should they return. On the whole the fear of persecution does not play the same important role in the Polish answers as it does in those of the Balts, the Russians and the Polish-Ukrainians.

The second group consists of people who have private political reasons for fearing repatriation. The largest number in this group are those whose homes were located east of the Curzon line in that part of Poland which has been annexed to Russia.<sup>7</sup> The loss of their homes to Russia makes them feel an even stronger nationalistic tie with Poland, so that they invariably refuse to return to their homes and become Soviet citizens. If any of them would agree to go back to Poland they would probably be sent to the newly annexed western provinces which are now being settled by the Poles.<sup>8</sup> This cannot properly be called repatriation, but

<sup>7</sup> The Curzon Line refers to a proposal to settle the disputed frontier between Poland and Russia, put to the Poles by Lloyd George, the British Prime Minister, on 10 July 1920, and then dealt with by Lord George N. Curzon, the British Foreign Secretary. The line or demarcation stretched from Grodno, through Brest-Litovsk and Przemyśl, to the Carpathians; it would have excluded from Poland the lands inhabited predominantly by Belorussians, Ukrainians, and Lithuanians. The Poles rejected the proposal and subsequently secured territory twice as large as that suggested by Lloyd George. After the Nazi-Soviet Pact of 1939, the Curzon Line (with minor variations) became the boundary between the German and Soviet spheres of occupation. In 1945 it was accepted by the Polish Government as the frontier with the USSR. (Ed.)

<sup>8</sup> At the Potsdam conference of 17 July-2 August 1945, the Allies agreed that Poland would occupy the German areas east of a line following the Oder and Neisse rivers, from the Baltic Sea to the Czechoslovak frontier. Former eastern territories of interwar Poland were taken by the USSR, and about 1.4 million Poles left this territory in 1946-7 to settle in regions taken from the Reich. (Ed.)

rather "pioneering" in an unfamiliar land, far from friends and relatives. Most of the DPs now being maintained in camps in Germany seem to lack a pioneering spirit to set forth and build a new home and a new life in an area where conditions are reported to be difficult.

The third and by far the largest group of the so-called political refugees (estimated roughly at about 60% of the total negative vote), are those who cannot definitely make up their minds to return. It must be remembered that the majority of these people have had little or no education to speak of, have not suffered political persecution which would shape their ideology, and are incapable of forming mature political opinions for themselves. They are subject to outside influences and as a result, their minds change almost every day, reflecting current slogans circulating in the camps. It is among this group that you find the stereotyped answers, such as "Poland is not free," "the Russians are occupying Poland," and "Poland is Communistic," indicating that the voters have been propagandized, either in the past, or that there was a planned campaign on the part of their leaders to furnish the DPs with the same answers for the poll. The vote of this group should not be taken as a final indication of their desires. Most of them are agricultural workers, small independent farmers and factory hands who have a strong patriotic feeling for Poland, regardless of her political complexion. The team directors who commented on this group felt that most of them would eventually return to Poland if given a little more encouragement and if removed from the political influences hindering their repatriation.

The influences which are affecting the majority of those potentially repatriable Poles seem to be similar in all of the camps, and are centered around the camp leaders, who were elected by a free vote, the members of the Polish guard units

and the Catholic clergy.<sup>9</sup> These political and clerical leaders have been successful in persuading a large number of Poles that it is against their interests to return home until their country is "freed from the Russians." The Polish-Ukrainians who are unanimously opposed to repatriation have also had an effect on the other Poles, as well as the demoralized group who have lost all ambition and are content to stay in the camps, leading a comparatively comfortable life, until forced to make a decision. Three other factors which have recently had an unfavorable effect on the Poles' desire to be repatriated are Hoover's speech describing starvation in Poland, Churchill's "iron curtain" speech and the dissension at the foreign ministers' conference at Paris.<sup>10</sup>

Over half of the Poles quoted economic factors as a secondary reason for not wanting to go home. These factors are probably more basic than the political ones in determining repatriation desires of the Polish DPs. The Poles in Germany are not entirely cut off from their homeland. They

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<sup>9</sup> The term Polish guard units refers to displaced persons recruited to guard American supply depots and other installations. (Ed.)

<sup>10</sup> On 9 February 1946 Stalin gave a speech in which he argued that, despite the end of hostilities, there was to be continued vigilance; there was to be no peace at home or abroad. Churchill delivered the Western reply at Fulton, Missouri on 5 March 1946. He argued for close co-operation among the world's English-speaking peoples, because "from Stettin in the Baltic to Trieste in the Adriatic, an iron curtain has descended across the continent," allowing "police governments" to rule Eastern Europe. The month of March 1946 is seen by many historians as the beginning of the Cold War.

At the Paris conference of Allied foreign ministers in May 1946, the USSR accused the United Kingdom of imperialism for its suppression of the Greek rebellion and criticized the Netherlands for its repressive actions in Indonesia. The British foreign minister, Ernest Bevin, responded by accusing the Soviet Union of imperialism. These disputes prevented any agreement from being reached at the conference. (Ed.)

maintain contact through newspapers, letters, radio broadcasts and friends who have returned to Germany after having been repatriated. From these sources they receive a description of destruction in the towns and cities, shortages of food, clothes and housing, unemployment and the general economic insecurity of life in present-day Poland.

These Poles who believe they have lost all of their former possessions naturally hesitate to return to their war-torn country where they fear they cannot earn a living. Their feeling of economic insecurity is expressed in the following typical comment by a Polish farmer: "At my house now, no horse, no cow, no pig — only a picture of Stalin on the wall." The desire to remain in their present condition of comparative security is quite natural on the part of these people, who were suddenly taken from a state of slavery and placed into an artificial society where they are cared for without having to work. Many of them who could not maintain the same standards of living at home will continue to live in the assembly centers as long as they exist.

Many of the Poles have not been content to live idly, however, but have found some measure of real economic security in the form of employment. This is particularly true in the French Zone where a large number of DPs live and work in the German communities. The fact that a large percentage of Polish DPs are employed in the local economy in the French Zone is reflected in the ballot, for only 64% gave political reasons, the rest economic or personal reasons for wanting to stay in Germany.

Very few of the Poles gave only personal reasons for not wanting to go home. Among those who did are the people who have lost their homes, their families and their friends as a result of the war and have nothing to which to return. They don't appear to have the courage to face the future alone in a destroyed country, and many of them want to start life anew

in a western land, preferably the U.S. or Canada. They are waiting hopefully for a declaration of emigration opportunities by the governments of these countries. Another group of DPs have family ties which are holding them here. They are engaged or married to Germans, to DPs of another nationality or to members of the Polish Guard Units stationed in Germany and are unwilling to break up their families to return home. Others can't be repatriated now for health reasons. Either they are old or sick or are staying with sick relatives, until they can be moved. Some mothers don't want to expose their infants and small children to the uncertain conditions in Poland, but prefer to remain in Germany until after the harvest. Others will return when their personal affairs are settled. Included in this group are those awaiting news from home or abroad before they set out to join relatives, and some who are still trying to locate lost members of their families who were deported to Germany during the war.

A very small number of Poles, chiefly the elderly people from the eastern provinces, gave fear of religious persecution as their main reason for not going home. This factor was mentioned, however, on a number of ballots in connection with political reasons.

### **Polish-Ukrainians**

Despite repeated instructions from UNRRA directors, this group insists on describing itself as "Polish-Ukrainian" or "Ukrainian Stateless".<sup>11</sup> The constant dissemination of

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<sup>11</sup> At the end of the war, approximately 2.5-3 million Ukrainians were in the Third Reich. Some were prisoners of war who had served in the Polish or Red Army; most had been forced labourers in Germany. A smaller number were political refugees and concentration camp survivors. An estimated two million Ukrainians found themselves in the occupied zones under Supreme Headquarters, Allied European Forces (SHAEF) in Austria, Germany, and

nationalistic propaganda has completely alienated them from the idea of adherence to either Poland or Russia, and thereby has eliminated all chance for a voluntary repatriation of Ukrainian peoples. Like the Poles, they give mainly political reasons for not wanting to return home but they are generally more violent in their attacks on Russia, and express fear of forced labor conditions, even "deportation to Siberia," should they dare to return. Some give supposed first hand accounts of previous persecution, such as "I don't wish to be repatriated to the Ukraine because my father was killed by the communists for his political and religious ideas and I was sent to Siberia, and had to stay for five years in a concentration camp." About 10% of the Ukrainians

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Italy. After voluntary and forcible repatriation about 250,000 remained and they refused to be repatriated. About one-third were former citizens of the Soviet Union before 1939; the remaining two-thirds were from other countries, primarily from Poland.

Official UNRRA and other statistical information on the exact number of Ukrainians is, however, not entirely reliable for several reasons. The Allies used citizenship rather than ethnic origin to classify DPs, but because Ukrainian DPs came from the prewar territories of Poland, Czechoslovakia, Romania, and the Soviet Union their citizenship varied accordingly. Also, the fear of repatriation was so great that many, especially those from Soviet Ukraine, did not reveal their true nationality. In time, a change in designation by officials was precipitated by the Polish government because it insisted that Ukrainians from Poland be separated from "true" Poles, arguing that Poland did not want Ukrainians back since their former lands had been ceded to the USSR. Furthermore, they were to be repatriated to the USSR. On 6 July 1946 Poland and the USSR concluded an agreement to exchange Ukrainians in Poland for Poles in the USSR. Moreover, UNRRA and other authorities were not consistent in their use of the term "Ukrainian." Officially, Ukrainians were not designated by UNRRA as a separate nationality until the summer of 1947; however, even before then, local UNRRA officials sometimes did allow refugees to designate themselves as Ukrainians. For these reasons, official UNRRA statistics underestimate the number of Ukrainians (100,000) and Soviet citizens (10,000) while overestimating the number of Poles (275,000). (Ed.)

included in their reasons descriptions of the absence of political, cultural, religious and personal freedom at home, while others compared "Bolshevik totalitarianism" with Nazism.

They claim that their country is occupied and since they do *not* wish to become citizens of the USSR, they have in effect no fatherland to which to return. Some stated that they want a free, autonomous Ukrainian state, even within the boundaries of the new Poland. An important factor in this separatist movement has been the activity of the Greek-Orthodox clergy, who constantly use their strong influence against repatriation. As a logical consequence of this clerical influence, and the fact that Ukrainians are predominantly orthodox [sic], they seem to be much more concerned over the lack of religious freedom than do the Poles.

A few of the Ukrainian DPs lost large land holdings in the collectivization of estates by the Soviet government, so that they have a bitter personal enmity toward the new economic system. Others merely stated their dislike for a system where there is no private property.

### **Russians [Soviet Citizens]**

The few Russians who are still left in Germany belong in three distinct categories, two of them comprising political refugees who refuse to return to Soviet Russia. The first group represents those Russians and Russian Ukrainians who came to Germany during the war as volunteers, deserters, forced laborers or POWs. They express a hatred for Communism and the "dictatorship" in Russia and would rather stay in Germany for the time being. Eventually they hope to emigrate to one of the western countries, when opportunities are available.

The second group is composed of White Russians and other Russian emigrants from 1919-20, displaced persons

left over from the last war, who never adopted a new citizenship. A few of them hold Nansen passports, while others claim that theirs were lost or taken away by the German authorities.<sup>12</sup> Their return to Russia is out of the question, as the majority of the older men were active counter-revolutionists, and fear reprisal by the Communists, and the younger ones, the children who were born abroad, have never lived in Russia and have no desire to go to the country from which their parents are exiles.

The third group all gave personal reasons for not going home, such as illness or marriage to Germans, Poles or other DPs.

### Yugoslavs

The Yugoslavs in UNRRA camps are mostly Royalists and therefore opposed to repatriation for political reasons.<sup>13</sup>

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<sup>12</sup> In 1921 Fridtjof Nansen (1861-1930), Norwegian explorer and later politician, became the first head of the League of Nation's High Commission in Connection with the Problem of Russian Refugees in Europe. After World War I, an estimated 800,000 refugees from tsarist Russia were scattered throughout Europe; most refused to return to Bolshevik-controlled Russia. Mandated to deal with this major problem, Nansen called a conference in Geneva at which sixteen nations were represented. An agreement was reached to issue for Russian refugees a special travel document, to be known as the "Nansen certificate" or "Nansen passport." By 1928 fifty-one governments had agreed to issue and recognize this passport for refugees from Russia and elsewhere. The passport gave the holder League of Nations protection and guarantees that they would not be arbitrarily treated or forcibly repatriated to the Soviet Union. (Ed.)

<sup>13</sup> The Royalists were supporters of King Peter II, who ascended the Yugoslav throne in 1934. On 27 March 1941 he assumed full royal powers when a coup d'état in Belgrade overthrew the regency, but he had to flee on 6 April when the Germans attacked Yugoslavia. He established a government-in-exile in London that supported the Serbian officer, Dragoljub (Draga) Mihailović and his Chetniks. King Peter made an accommodation with the Communist partisans led by Josip Broz (Tito) in August 1944 but was deposed in November 1945.

Like the Balts and Poles, they claim a passionate love for democracy (which they interpret to be a restoration of the monarchy). On the other hand they represent a different problem from the Poles and Balts who are afraid to go home, since the Yugoslavs are for the most part ex-POWs who still consider themselves as part of King Peter's army. They do not accept their present status as a lasting one but are hoping for the chance to go home and fight Tito. In one center in the U.S. Zone, for instance, the Yugoslav leader began the poll with a spirited declaration that he and his men were soldiers, wished to be soldiers and had no plan to go anywhere, or do anything else. He then suggested that UNRRA send them all home to fight the Tito government.

The following explanation from one of the ballots is typical of the general feeling of the Yugoslav DPs. "We were determined to fight against Hitler's Germany for high principles of democracy and freedom. Now the war is over; instead of democracy and freedom we have a dictatorship in Yugoslavia. We expect nobody's charity or any reward. What we expect and claim is the most elementary right to choose our own form of government. This was proclaimed in Article 3 of the Atlantic Charter."

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In 1946 there were about 150,000 Yugoslav refugees, most of whom were dispersed in UNRRA and military camps throughout Italy. Among them were monarchists, Serbian Chetniks, Croatian nationalists (Ustashi), and former partisans united in their opposition to Tito's regime. The Yugoslav government was particularly adamant in demanding their forcible repatriation. (Ed.)

**Jews<sup>14</sup>**

The Jews in UNRRA centers in Germany expressed a unanimous desire to immigrate, the majority of them either to Palestine or to the U.S. By far the largest number of Polish and Ukrainian Jews express a desire to go to Palestine. This desire can easily be understood in the light of strong nationalistic feelings among the eastern Jewry already prevailing before the war, coupled with the racial persecution at the hands of the Nazis, not to mention some of their own countrymen during the war. Tragic personal histories on the ballots present vividly the reasons for not returning. It is now impossible for the Jews from Eastern Europe to return to their large Jewish communities for so many of them have been wiped out, and tales of continued anti-semitism drift in daily with new refugees coming out of Poland, seeking refuge in UNRRA centers in Germany. Although many would perhaps prefer to go to some western country, the emigration quotas to these lands will be so low as to allow only a trickle of immigrants to enter. Palestine appears to be the only solution to their problem. Hundreds of ballots showed just one word as an explanation for not returning home: "Palestine."

The German Jews are also anxious to emigrate, most of them to Palestine but a large number have relatives abroad whom they wish to join in such countries as the U.S., Canada, Great Britain, France, Sweden or South America. Like the Polish and other Eastern European Jews these people feel that they can't settle down again in the country which is a constant reminder of their personal tragedies. Some even

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<sup>14</sup> In December 1945 UNRRA listed only 18,361 Jews as receiving assistance in various zones in Germany. By June 1946 the number had reached 97,333, and in June 1946, 167,531. The combined total of Jews under UNRRA care in Italy, Germany, and Austria was close to 250,000 in June 1947. (Ed.)

stated that they feared history would repeat itself in Europe and that they or their children might have to go through the same sort of persecution should they remain in Germany now.

### Czechs

Although there are only about 2,000 Czechs still in Germany, a large percentage of them are staying for the same political reasons as the Poles, namely fear of Communism and the repression of personal freedom. Some fear a war in the near future and state that Czechoslovakia is too close to Russia for any measure of comfort, should a war break out.

In some cases their homes were in that part of Slovakia annexed to Russia, and they are afraid or unwilling to become Soviet citizens.<sup>15</sup>

On the whole the Czechs are not as violent as the Poles in their criticism of their home government, or in their refusal to return home. It is interesting to note that about 25% of them are holding up their decision pending the outcome of the Czech national vote, whereas a much smaller percentage are looking forward to emigration.

The reasons why the remaining Czechs don't want to return are personal. Some are sick, or are staying with sick relatives, some are married to Polish DPs while others are still searching for lost relatives in Germany. In addition, there is a small number who are employed by UNRRA, or

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<sup>15</sup> Some of these Czechoslovak citizens were no doubt Ukrainians (Lemkos) from the eastern provinces of Carpatho-Ukraine (Ruthenia), ceded to the USSR after the war. It was an area of about 8,800 square kilometers with a population of approximately 850,000. Not wishing to take part in the "voluntary" transfer to the USSR, these Ukrainians fled primarily to the U.S. Zone. (Ed.)

the Military and have the permission of their national liaison officers to remain temporarily in the DP centers.

**Western Europeans, British, U.S.,  
and Smaller Groups**

The small number of these nationals are staying in Germany solely for personal or economic reasons. Either they are married to Germans or other DPs whom they are not yet allowed to take home with them, or else they wish to settle in Germany where they have economic interests. The last reason is particularly true in the French Zone where many of the DPs are living privately and can carry on a fairly normal life in the German community. A few individuals are probably collaborators who are trying to hide in Germany, while others have lived in Germany for some time before the war, and do not wish to move. As in the case of the Czechs, many of the Western Europeans are working for UNRRA or the military authorities with the permission of their national liaison officers. These jobs offer more security than they could find at home. Several Frenchmen, Italians and Dutchmen say that they fear to return to the present unstable economic conditions in their countries. They know of the shortages of food, clothing and employment possibilities and prefer to stay in Germany under comparatively favorable conditions until the situation in their homelands improves. In the British Zone there are small numbers of Dutch bargees [bargemen] who will return as soon as the canals and waterways are opened.

Some so-called Armenians (including "Turks" and "Iranians") fear religious persecution in their homelands.

## ANNEX A

TYPICAL NEGATIVE REPLIES ON THE BALLOTS  
OF THE PRINCIPAL NATIONALITY GROUPS

## I. Estonians, Latvians, Lithuanians

1. "Under the present circumstances I do not want to return, for I know well enough who is ruling behind the 'iron curtain' and what kind of life the people lead in this 'most liberal country'."

2. "I am not a Communist."

3. "I have already been a political deportee to Siberia for four years."

4. "I am a mother and I want to raise my child myself."

5. "My country has ceased to exist."

6. "In Estonia, Latvia and Lithuania there is no democratic government."

7. "I cannot return. My brother, sister, father and mother were deported to Siberia because they did not go to the poll to vote for the Communists."

8. "Russia."

9. "I have never been a Russian citizen and I am not interested to serve in the Russian army. Further I don't recognize the one-party system."

10. "Stalin."

11. "In all countries occupied by the USSR people are physically and morally suppressed."

12. "My country is occupied by the Bolsheviks."

13. "In 1940 my father was arrested and killed because he was a Russian officer under the Czars. My mother was sent to Russia, then I escaped."

## II. Poles

1. "Poland is not free."

2. "The Russians are dominating the Polish Government."

3. "Quoting Mr. Churchill's speech; an 'iron curtain' is hanging from Stettin to Trieste. Behind it an ignorant slave state is hidden from the eyes of us all, etc." — "I am a Democrat, not a Communist."

4. "Communist dictatorship. No freedom of personal opinion. Russians annihilate everything that is not Russian and communistic."

5. "Stalin annihilates people as well as Hitler."

6. "I don't trust Stalin and his government in Poland."

7. "Uncertain situation in Poland. The presence of the Soviet Army is dangerous to the freedom of my country."

8. "I don't agree with the policy of the Government and the persecution of the church and the lack of private property and freedom."

9. "I am afraid of Stalin, I am afraid of Siberia. Poland is not free."

10. "After the election of a democratic government, I shall return home."

11. "The Russians occupy that part of Poland where I lived. My home and family are gone."

12. "I can't find my family."
13. "I am ill and tired after the hard work in Germany."
14. "If I go back I am sure they will kill me or send me to Siberia."
15. "They sent part of my family to Siberia and confiscated our farm."
16. "I have been persecuted by the Communists and condemned for exile to Siberia. I don't want to try to live under the Communists again."
17. "My husband is not going back home and so I don't want to go."
18. "When I get a letter from my family saying that they are alive, then I shall return home."
19. "Because there is starvation in my country."
20. "My family is in America. I shall wait until I can also go there."

### III. Polish-Ukrainians

1. "I don't want to live under dictatorship and terror."
2. "I am against violations and terror in the USSR. I am against men who persecute religion, who turn peasants into slaves. I am against the one-party system."
3. "Two of my brothers were killed. My parents died in jail after being there a long time. My brother was sentenced to forced labor."
4. "My homeland is at present occupied by Soviet Russia, which follows the policy of general terror against those who are opposed to the communistic system. They

persecute religion (Greek-Orthodox); bishops and priests are sent to Siberia. Catholic churches are closed. Because of these reasons I will not return."

5. "I don't agree with the totalitarian system in the USSR. Galicia belongs now to the USSR. I never was, neither am, nor wish to be a citizen of the USSR. Persecution of the Greek-Orthodox Church."

#### **IV. Russians [Soviet Citizens]**

1. "I don't agree with Stalin-terror and oppression of people. The system has nothing to do with democracy."

2. "I have been persecuted by the NKVD since 1929. Most of the time I have been obliged to live under a false name."

3. "Democracy in the Soviet Union exists only on paper. There is only freedom to vote for the candidates of the Communistic Party and for its resolutions."

4. "The Soviet regime is not a Russian government. The main idea of the Soviet government is a world revolution."

5. "Communism is even worse than Nazism."

6. "In the Soviet Union there is no free work nor any private property. There is only forced, slave-like labor in the kolchoz[sic] (Government farms) and in the factories or businesses, all run by the Government."

#### **V. Jews**

1. "Palestine is my Fatherland."

2. "Poland is covered with Jewish blood; even now the Poles are persecuting Jews. We can visit the cemeteries, but we cannot live there. Therefore I want to immigrate to

the U.S. to join my relatives in the best democracy in the world."

3. "I have nobody left at home."

4. "My husband was murdered by the Germans. I spent three years in the KZ (concentration camp). My relatives are in foreign countries. They will take care of me."

5. "All my relatives were killed in Auschwitz. I can't live among the murderers of my parents."

6. "Because of anti-Semitism in Poland, and I have no family left there."

7. "Because the Poles and Ukrainians are killing Jews."

8. "I am the only survivor of a family of eight. I have no relatives in Europe. I am miserable and want to join relatives in America. I have an affidavit."

#### **VI. Western Europeans and Smaller Groups**

1. "At present there is no job, life is too expensive in France and as I am alone, I have nothing to look forward to at home."

2. "I will not be sent back because I have no job and no home." (Dutch)

2. "I don't want to go back to Greece, because I have no job and there is a food shortage."

4. "I am married to a Pole, but the Dutch Government won't allow her to come home with me. I shall wait in Germany."

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Source: United Nations (UNRRA) Archives, New York.  
PAG-4/3.0.11.0.1.4:2, "Council Resolution 92 etc."

## APPENDIX B

**PRESIDENT TRUMAN'S PLAN FOR REFUGEES,  
DEPARTMENT OF STATE IMMIGRATION  
AND NATURALIZATION SERVICE MONTHLY  
REVIEW (HEREINAFTER INS MONTHLY  
REVIEW), VOL. III, NO. 7  
(JAN. 1946. pp. 254-255)**

On December 22, 1945 President Truman announced a far-reaching program to facilitate the admission into the United States, within the framework of existing immigration laws and regulations, of displaced persons and refugees from Europe. The President's plan encompasses two principal groups. The first of these is the group of refugees now in the relocation camp at Oswego, N. Y. Almost 1,000 persons were originally housed in this camp, after having been brought to the United States on an emergency basis by order of President Roosevelt. Some 900 refugees still at Oswego may now become permanent residents of the United States "through appropriate statutory and administrative processes." Officers of the Department of State and the Immigration and Naturalization Service are presently processing the cases of those of the internees who desire to become permanent residents of the United States, and if found eligible, they will be granted preexamination or other appropriate relief to enable them to establish legal residence.

The major group affected by President Truman's directive of December 22, 1945 are displaced persons and refugees who are natives of Central and Eastern Europe and the Balkans. The annual immigration quotas for these countries total approximately 39,000. Statutory restrictions preclude the allocation of more than 10 percent of the annual quota in any single month. Consequently, no more than 3,900 visas

may be issued in any one month to natives of the affected countries.

The President declared that "common decency and the fundamental comradeship of all human beings require us to do what lies within our power to see that our established immigration quotas are used in order to reduce human suffering." Therefore he directed that the following procedure be followed "to facilitate full immigration to the United States under existing quota laws":

"The Secretary of State is directed to establish with the utmost dispatch consular facilities at or near displaced person and refugee assembly center areas in the American zones of occupation. It shall be the responsibility of these consular officers, in conjunction with the immigrant inspectors, to determine as quickly as possible the eligibility of the applicants for visas and admission to the United States.

For this purpose the Secretary will, if necessary, divert the personnel and funds of his department from other functions in order to insure the most expeditious handling of this operation. In cooperation with the Attorney General he shall appoint as temporary vice consuls, authorized to issue visas, such officers of the Immigration and Naturalization Service as can be made available for this program.

Within the limits of administrative discretion, the officers of the Department of State assigned to this program shall make every effort to simplify and to hasten the process of issuing visas. If necessary, blocs of visa numbers may be assigned to each of the emergency consular establishments.

Each such bloc may be used to meet the applications filed at the consular establishment to which the bloc is assigned. It is not intended, however, entirely to exclude the issuance of visas in other parts of the world.

Visas should be distributed fairly among persons of all faiths, creeds and nationalities. I desire that special attention be devoted to orphaned children to whom it is hoped the majority of visas will be issued.

With respect to the requirement of law that visas may not be issued to applicants likely to become public charges after admission to the United States, the Secretary of State shall cooperate with the immigration and naturalization service in perfecting appropriate arrangements with welfare organizations in the United States which may be prepared to guarantee financial support to successful applicants. This may be accomplished by corporate affidavit or by any means deemed appropriate and practicable.

The Secretary of War, subject to limitation imposed by the Congress on War Department appropriations, will give such help as is practicable in:

(A) Furnishing information to appropriate consular officers and immigrant inspectors to facilitate in the selection of applicants for visas; and

(B) Assisting until other facilities suffice in:

(1) Transporting immigrants to a European port;

(2) Feeding, housing and providing medical care to such immigrants until embarked; and

(C) Making available office facilities, billets, messes and transportation for Department of State, Department of Justice and United Nations Relief and Rehabilitation Administration personnel connected with this work, where practicable and requiring no out-of-pocket expenditure by the War Department and when other suitable facilities are not available.

The Attorney General, through the Immigration and Naturalization Service, will assign personnel on duty in the American zones of operation to make the immigration inspections, to assist consular officers of the Department of State in connection with the issuance of visas and to take the necessary steps to settle the cases of those Allies presently interned at Oswego through appropriate statutory and administrative processes.

The administration of the War Shipping Administration will make the necessary arrangements for water transportation from the port of embarkation in Europe to the United States, subject to the provision that the movement of immigrants will in no way interfere with the scheduled

return of service personnel and their spouses and children from the European Theater.

The Surgeon General of the Public Health Service will assign to duty in the American zones of occupation the necessary personnel to conduct the mental and physical examinations of prospective immigrants prescribed in the immigration laws."

Ugo Carusi, Commissioner of Immigration and Naturalization, was designated by the President to serve as Chairman of an interdepartmental committee, which includes representatives of the Department of State, War, and Justice, the War Shipping Administration, and the Public Health Service, to supervise the execution of President Truman's directive. Commissioner Carusi, accompanied by Howard K. Travers, Chief of the Visa Division of the State Department, and Dr. Ralph C. Williams, Assistant Surgeon General of the Public Health Service, has left for Europe to make arrangements for the speedy inauguration of the President's program.

It is anticipated that officers of the State Department, the Public Health Service and the Immigration and Naturalization Service will be stationed in the American zone of occupation in Germany, to which immigration activities under the President's directive will be confined for the time being, in order to pass on the qualifications of prospective immigrants before they embark for the United States.

## APPENDIX C

DISPLACED PERSONS, BY INS COMMISSIONER  
UGO CARUSI, INS  
MONTHLY REVIEW, VOL. IV, NO. 5,  
(NOV. 1946 @ PP. 54-56)

**By Commissioner Carusi**

The *Monthly Review*<sup>1</sup> has previously reported the plans which were made by the President to give some measure of relief to the displaced people in Europe. In March of this year I went abroad with Mr. Travers<sup>2</sup> of the Visa Division of the State Department, Dr. Dunnahoo of the United States Public Health Service and Lieutenant Colonel Buster of the War Department to implement those plans.

We established our headquarters in Frankfort, Germany, which was also the headquarters for the European Theater Operations. Our job was to discover who the displaced persons were, how many of them there were, what countries they represented, what quotas were available for those nationalities or countries, what transportation facilities there were and what consular offices would have to be established in order to process the displaced persons with the greatest possible speed and the least amount of confusion.

After we had consulted with UNRRA, the Army and the interested voluntary relief agencies, consulates were established by the State Department in Berlin, Hamburg, Stuttgart, Frankfort, and Munich and the task of processing cases among the displaced persons who wished to come to America was begun.

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<sup>1</sup> See "President Truman's Plan for Refugees", *Monthly Review*, Vol III, No. 7 (January 1946) pp. 254-255.

<sup>2</sup> Presently American Consul-General in Vancouver, British Columbia.

It was immediately necessary to establish categories to describe those persons who could properly be classified as displaced persons. It was impossible to define displaced persons because of the danger of including known pro-Nazis who were displaced but obviously not contemplated by the President's Directive. Roughly stated, we did include persons who were brought into Germany against their will for forced labor, those who were forced to evacuate their homes for military reasons other than for service in the army, persons who feared to return to their homes because of possible religious or political persecution, those who had fled from their homes because they feared concentration and relatives of such persons whose exclusion might break up family groups. December 22 was chosen as the day prior to which the determination of a displaced person's status was to be made, this date being selected in order to avoid an influx of people into the American Occupation Zone other than those coming to join families already there.

A large percentage of displaced persons were not in camps. Many lived in communities with the help and guidance of UNRRA. The displaced persons' camps are mainly former military barracks or concentration camps and the present occupants were there as inmates when they were concentration camps.

The President had requested that care be exercised to assure that no one group would be favored over another nor discriminated against. The available quotas are roughly 39,000 per year, of which about 25,000 are German. In the entire Zone there were roughly 500,000 displaced persons, about 200,000 of whom were Poles. There were also large numbers from the Baltic States.

The procedure established for processing those people interested in coming to this country is, in general, as follows. Questionnaires are sent to the areas within the American

Occupation Zone asking for the information necessary to the issuance of a visa and, in addition, questions as to religion and the location of relatives. Medical examinations are conducted in the camps. The questionnaires are screened by the Army for security reasons and by American Consuls against their records. Those who pass muster are brought to an assembly center near a Consulate from where they can visit the Consul for the purpose of making the regular applications for visas. The normal procedures then prevail. Upon issuance of visas to sufficiently large groups, the Army arranges transportation to the port of embarkation which is in Bremen and the steamship tickets are provided either by the individuals themselves or by some persons or organizations acting in their behalf. Immigration inspections are conducted in this country but the thorough screening in Europe makes the possibility of rejection on this side very remote. They are treated as displaced persons in the matter of food and handling until they board ship after which they become regular passenger immigrants.

UNRRA and the voluntary relief agencies assist in the distribution and execution of questionnaires so that the Consular Offices are able to handle the cases with the greatest possible speed. For obvious reasons, many people are without birth or baptismal certificates and the Consuls are empowered to make allowances and use discretion in the matter of accepting unsupported statements. Many of these people have become suspicious of authority and have trained themselves over a period of years to lie in self-preservation. This suspicion is breaking down, as we have been able to inspire confidence and demonstrate that we are a different sort of keeper. This is a difficult and complex problem because we want to be sure that those who come can readily adjust themselves to our mode of living, be self-sustaining and make contributions to our society and economy.

Seven social welfare agencies have furnished the Immigration and Naturalization Service with corporate affidavits<sup>3</sup> as a guarantee that the displaced persons whom they sponsor will not become public charges upon their arrival in the United States. These organizations are the *American Christian Committee for Refugees, Inc.*, the *Catholic Committee for Refugees*, the *Hebrew Sheltering and Immigrant Aid Society*, the *International Rescue and Relief Committee, Inc.*, the *United Service for New Americans*, the *Vaad Hatzala Emergency Committee* and the *United States Committee for the Care of European Children, Inc.* The *American Christian Committee for Refugees* has signed a corporate affidavit for 500 people and indicated that it will increase that number as needed. Two hundred and sixty-eight displaced persons have arrived under their sponsorship. The *Catholic Committee for Refugees* has provided a corporate affidavit for 200 Roman Catholic persons of which 163 have been used. The *Hebrew Sheltering and Immigrant Aid Society* has signed a corporate affidavit for 4,500 Jewish persons of whom 627 have arrived. The *Vaad Hatzala* which is particularly interested in Orthodox Rabbis, scholars and their children, has provided a corporate affidavit for 3,500 persons, will increase this number whenever it becomes necessary and has sponsored the arrival of 2,228 individuals. The *International Rescue and Relief Committee* has provided a corporate affidavit for 500 people of which 119 have arrived. The *United States Committee for the Care of European Children* has signed a corporate affidavit for 2,000 children, this being the only organization authorized to sponsor unaccompanied children of whom 296 have arrived under its sponsorship. In addition, 963 displaced persons have come to the United States under

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<sup>3</sup> See "Guarantees of Support of Refugee Children and Displaced Persons", *Monthly Review*, Vol. IV, No. 4 (October 1946) pp. 46-49.

individual sponsorship. This brings the total to date to 4,664.

The first displaced persons arrived in the United States aboard the *SS Marine Flasher* on May 20, 1946 and there have been seven subsequent arrivals, all of which have been at the port of New York. All of the ships are met by a representative of the Immigration and Naturalization Service and by representatives of the interested welfare agencies, the latter for the purpose of directing the persons whom they sponsor to their destinations.

Considering the limited personnel with which we have to work, the restricted transportation facilities, the necessity for adhering to the quota immigration law and the fact that the American Occupation Zone contains a relatively small percentage of the displaced persons in Europe, I believe that an excellent job is being done. However, it should be remembered that the entire problem of displaced persons in Europe amounts to some 2,000,000 individuals. Most of them are former slave laborers, others are political or racial refugees and all of them fear unsettled economic conditions or persecution in their homelands. They are spread over all of the countries of central Europe and in addition, uncounted thousands are to be found in Russia, Palestine and the Far East. Nearly a million displaced persons in Germany, Austria and Italy are being fed by UNRRA or the Allied armies. The most optimistic estimates indicate that, at best, between 500,000 and 600,000 of these people are likely to remain as a long-term problem for the United Nations' new International Refugee Organization.

Certain conclusions can be drawn from our experience thus far in the program which we have operating. The 39,000 quota numbers available on an annual basis to our present program can never be filled because of the large number, 25,000, which must be charged to the German

quota and the comparatively small number of Germans, including the few surviving German Jews, who wish and can qualify to come to the United States. Transportation facilities will have to improve tremendously before any appreciable increase in immigration to the United States can be expected and this statement applies particularly to those individuals who might wish to come from Europe. And a change in the present quota laws will have to be made before they benefit any large number of displaced persons because the largest groups of displaced persons have the smallest quotas available to them. The extent to which the United States may further obligate itself in the matter of displaced persons is a question which will face the next Congress. We are now demonstrating what can be done pursuant to existing legislation. The extent to which the country will take on further obligations by accepting and caring for larger numbers of displaced persons depends entirely on whether legislation to that effect will be forthcoming.

## APPENDIX D

**DISPLACED PERSONS IN THE UNITED STATES,  
INS MONTHLY REVIEW, VOL. V. NO. 7,  
(JAN. 1948 @ PP. 103-105)**

It has been a little over two years since the President of the United States on December 22, 1945, set forth a policy regarding the admission of displaced persons. The directive<sup>1</sup> of that date outlined a plan for admitting displaced persons within the framework of the immigration laws. The tables presented in this report bring to November 30, 1947, available statistics concerning displaced persons admitted to the United States by the officers of the Immigration and Naturalization Service.

In a recently published report of a Special Subcommittee of the Committee on Foreign Affairs, it was stated that "displaced persons constitute the remainder of the forced laborers and concentration-camp victims of the Nazis, and are those who fled before the occupation armies of a dictatorship to which they were violently opposed or who fled in legitimate fear of political or religious persecution from their homelands."<sup>2</sup>

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The statistics appearing in this article were furnished by the Office of the Assistant Commissioner for Research and Education, Immigration and Naturalization Service.

<sup>1</sup> See "President Truman's Plan for Refugees," *Monthly Review*, Vol. III No. 7 (January 1946), pp. 254-255. See also, "Displaced Persons" by Ugo Carusi, *Monthly Review*, Vol. VI, No. 5 (November 1946), pp. 54-56; "Displaced Persons—Location and Activity in the United States" by Hugh Carter, *Monthly Review*, Vol. IV, No. 11 (May 1947), pp. 138-144.

<sup>2</sup> *Displaced Persons and the International Refugee Organization: Report of a Special Subcommittee of the Committee on Foreign Affairs, 80th Congress, First Session, p. 2, Washington, 1947.*

The members of this Committee found in their visits to approximately 150 displaced persons camps in the United States, British, and French occupied zones of Germany, Austria, and Italy, that there were three principal groups of displaced persons: (1) the liberated forced-labor group who were brought into Germany from Poland, Yugoslavia, and the Ukraine; (2) the Baltic group, those who fled from the Baltic States ahead of the armies in 1944 (the Balts include Latvians, Lithuanians, and Estonians); and (3) the Jewish displaced persons, most of whom have come from the Eastern European countries. There is an additional group of displaced persons, the Volksdeutsche. This group consists of members of German-speaking minorities who had settled in Southern and Eastern Europe. During the war and after, these minorities moved or were expelled from their homes. The bulk of the displaced persons in camps therefore was born in Southeastern Europe.

Of the 28,789 displaced persons admitted to the United States under the President's directive through November 30, 1947, 56 percent were born in Southern and Eastern Europe, 43 percent in Northern and Western Europe, principally Germany, and one percent from all other countries. (See Table 1.)

Ninety-three percent of those admitted came as quota immigrants, and five percent as non-quota, chiefly wives of citizens, while two percent were nonimmigrants who were resident aliens returning to this country or students.

TABLE NO. 1

Displaced Persons Admitted to the United States Under  
The President's Directive of December 22, 1945,  
By Class of Admission and Country of Birth:  
December 22, 1945 to November 30, 1947\*

Country or region of birth	Immigrants					
	Total persons	Total immigrants	Quota	Non-quota	Non-immigrants	
All Countries	28,789	28,241	26,801	1,440	548	
Europe	28,430	27,886	26,517	1,369	544	
Albania	5	5	5	—	—	
Austria	1,251	1,237	1,181	56	14	
Belgium	108	108	107	1	—	
Bulgaria	16	16	16	—	—	
Czechoslovakia	2,120	2,013	1,927	86	107	
Danzig	84	84	81	3	—	
Denmark	8	8	8	—	—	
Eire	5	5	5	—	—	
Estonia	97	96	93	3	1	
Finland	7	7	7	—	—	
France	114	113	99	14	1	
Germany	11,949	11,909	11,509	400	40	
Great Britain {	England	68	67	64	3	1
	Scotland	5	5	5	—	—
	Wales	2	2	2	—	—
Greece	9	7	7	—	2	
Hungary	636	595	518	77	41	
Italy	66	66	59	7	—	
Latvia	356	354	351	3	2	
Lithuania	558	555	511	44	3	
Netherlands	89	89	88	1	—	
Northern Ireland	8	8	8	—	—	
Norway	4	4	3	1	—	
Poland	8,603	8,322	7,759	563	281	
Portugal	8	7	5	2	1	
Rumania	377	337	285	52	40	
Sweden	7	7	6	1	—	
Switzerland	38	38	36	2	—	
Turkey	7	7	7	—	—	
U. S. S. R.	1,275	1,267	1,239	28	8	
Yugoslavia	536	534	512	22	2	
Other Europe	14	14	14	—	—	
China	173	171	141	30	2	
Palestine	23	22	19	3	1	
Asiatic U. S. S. R.	48	48	48	—	—	
Other Asia	29	29	27	2	—	
Canada	3	3	—	3	—	
West Indies	3	3	1	2	—	
Central America	4	4	2	2	—	
South America	20	20	1	19	—	
Africa	16	15	14	1	1	
Other Countries	40	40	31	9	—	

\*The first vessel carrying displaced persons arrived May 20, 1946.

The single country with the largest number of admissions is Germany. When it is recalled that the annual quota for Central and Eastern Europe and the Balkans is approximately 39,000, of which almost 26,000 is for Germany and 13,000 for the remaining countries, it is easy to understand that there are quota numbers available for persons born in Germany, whereas other countries having proportionately greater numbers of displaced persons have fewer quota numbers available and therefore can have proportionately fewer admissions to the United States.

The median age of displaced persons rose from 28.7 years in the six months July 1-December 31, 1946, to 33.9 in the comparable period, July 1-November 30, 1947. The increase in preference quota of parents being brought to the United States by citizens is one reason for the increasing average age. In contrast, during the fiscal year 1947 the median age of all immigrants was 27.4. The low median age for all immigrants is accounted for in large part by the young war brides coming to the United States. For the cumulative total of displaced persons, the median age is 31.9, as may be observed in Table 2.

The sex distribution for all immigrants in 1947 and for all displaced persons admitted is shown below:

	Immigrants Year ended June 30, 1947	Displaced persons December 22, 1945- November 30, 1947*
Total . . . . .	147,292	28,789
Male . . . . .	53,769	14,359
Female . . . . .	93,523	14,430
Males per 1,000 females . . . . .	57.5	99.5

\*The first vessel carrying displaced persons arrived May 20, 1946.

TABLE NO. 2

**Displaced Persons Admitted to the United States Under  
The President's Directive of December 22, 1945,  
By Sex, Age, and Marital Status:  
December 22, 1945 to November 30, 1947\***

<u>Age Group</u>	<u>Total</u>	<u>Male</u>	<u>Female</u>
Total . . . . .	28,789	14,359	14,430
12 years and under . . . . .	2,521	1,244	1,297
13 to 20 years . . . . .	4,440	2,396	2,044
21 to 30 years . . . . .	6,967	3,390	3,557
31 to 40 years . . . . .	5,390	3,050	2,340
41 to 50 years . . . . .	3,883	1,926	1,957
51 to 60 years . . . . .	2,552	1,214	1,338
61 to 70 years . . . . .	1,980	758	1,222
71 to 80 years . . . . .	969	369	600
81 years and over . . . . .	87	32	55
Median age . . . . .	31.9	31.6	32.3
<u>Marital Status</u>			
Total . . . . .	28,789		
Single . . . . .	12,324		
Married . . . . .	12,676		
Widowed . . . . .	3,377		
Divorced . . . . .	412		

\*The first vessel carrying displaced persons arrived May 20, 1946.

The report of the Special Subcommittee has a table showing the skills of displaced persons in camps in the United States Zone of Germany in May 1947. The table indicates that as many as a seventh of the persons were professional and semi-professional workers, and more than a fifth were craftsmen and skilled workers.

While not strictly comparable since the period is not the same, the occupation distribution for all immigrants admitted in the fiscal year ended June 30, 1947, and for the displaced persons admitted between July 1 and November 30, 1947, is shown in Table 3.

TABLE NO. 3

**Major Occupation of Immigrants Admitted to the  
United States, Year ended June 30, 1947,  
And of Displaced Persons Admitted,  
July 1-November 30, 1947**

Occupation	Immigrants admitted year ended June 30, 1947		Displaced persons admitted, July 1, 1947 to Nov. 30, 1947	
	No.	Percent	No.	Percent
Total . . . . .	147,292	100.0	8,324	100.0
Professional and semi-professional workers . . . . .	10,891	7.4	916	10.4
Farmers and farm managers . . . . .	3,462	2.4	196	2.2
Proprietors, managers, officials, except farm . . . . .	5,886	4.0	587	6.7
Clerical, sales, and kindred workers . . . . .	13,961	9.5	719	8.1
Craftsmen, foremen, and kindred workers . . . . .	8,726	5.9	817	9.3
Operatives and kindred workers . . . . .	10,580	7.2	1,002	11.4
Domestic service workers . . . . .	4,922	3.3	87	1.0
Protective service workers . . . . .	292	.2	22	.2
Service workers, except domestic and protective . . . . .	3,590	2.4	212	2.4
Farm laborers and foremen . . . . .	442	.3	30	.3
Laborers, except farm . . . . .	2,831	1.9	62	.7
No occupation . . . . .	81,709	55.5	4,174	47.3

The Immigration and Naturalization Service cooperates with a number of private agencies to facilitate the entry into the United States of displaced persons. Toward that end, the Service accepts applications from social agencies that desire to execute affidavits guaranteeing that a specified number of persons whom they wish to sponsor will not become public charges. These affidavits are called corporate affidavits. An agency desiring to participate in the program is requested to furnish information concerning the financial status of the organization, the purpose for which it was incorporated, and other material to show that the organization is able and willing to assume responsibility for the number of persons specified. If the agency is approved, it

may thereafter submit corporate affidavits to United States consuls in connection with applications for immigration visas by displaced persons.

Of the 28,789 displaced persons admitted to the United States through November 30, 1947, 36 percent were sponsored by agencies, while 64 percent were sponsored by individuals, usually relatives or close friends of the immigrants. (See Table 4.)

**TABLE NO. 4**

**Agency Participation With Respect to Displaced Persons Admitted to the United States Under The President's Directive of December 22, 1945: December 22, 1945, to November 30, 1947\***

Agency	Persons sponsored	
	Number	Percent
Total . . . . .	28,789	100
Church World Service, Inc. . . . .	971	3
Catholic Committee for Refugees . . . . .	1,096	4
Hebrew Sheltering and Immigrant Aid Society . . . . .	1,823	6
International Rescue and Relief Committee . . . . .	301	1
United States Service for New Americans . . . . .	5,039	18
— U. S. Committee for Care of European Children . . . . .	1,150	4
Vaad Hatzala Rehabilitation Committee . . . . .	26	—
Individually sponsored . . . . .	18,383	64

\*The first vessel carrying displaced persons arrived May 20, 1946.

From time to time as the need arises, supplemental affidavits to cover additional groups are received and considered for approval. When affidavits are approved, the Visa Division of the Department of State is advised and that division cables the information to the appropriate consuls of this country, since the question of who are displaced persons within the meaning of the President's directive and who of those are entitled to immigration visas for permanent residence in the United States are matters determined by the Department of State through its consuls abroad.

The first corporate affidavits were approved for displaced persons located in the United States, British, and French zones of Austria and Germany. In April 1947, corporate affidavits were approved for displaced persons located in Shanghai.

Persons sponsored by agencies are generally of the same religious faiths as the social agencies sponsoring them. That is, the Church World Service sponsors the Protestant group; the Catholic Committee, the Catholic group; and HIAS, USNA, and Vaad Hatala Emergency Committee, the Jewish group. The International Rescue and Relief Committee, the United States Committee for Care of European Children, and the American Federation of International Institutes are non-partisan organizations.

Pursuant to the requirements of the corporation affidavit, the agency submits a detailed report for each person under its sponsorship within the time limit prescribed by the corporate affidavit, giving the place of residence of the individual, how he is being maintained, if employed, the weekly wage earned, and whether the person has become a public charge since entering into the United States. If the report shows that the person is steadily employed, is self-supporting, has had no serious illness, and has not become a public charge, no action is taken on the report and under the terms of the corporate affidavit the agency is automatically released from further responsibility sixty days from receipt of the report by the Service.

## APPENDIX E

**DEPT STATE BULL., Vol XV. No. 386,  
Nov. 24, 1946, pp. 934-938  
U.S. POSITION ON INTERNATIONAL  
REFUGEE ORGANIZATION**

**STATEMENT BY REPRESENTATIVE OF THE U.S.  
DELEGATION TO THE UNITED NATIONS<sup>1</sup>**

To begin with, Mr. Chairman, I should like to state very briefly the position of the United States on this International Refugee Organization, which will care for and help to rehabilitate nearly a million people from Europe and the Far East. As long as they are refugees and displaced persons they constitute a threat to peace and good relations among governments.

The maintenance in camps of these persons leads to deterioration among them as human beings and is an economic waste for all the nations of the world. We, in the United States, feel this most keenly, since from practically all the countries where they come from we have received citizens who have built up our nation. Therefore, the United States supports the principles of the General Assembly resolution of February 12, 1946 namely:

- (a) The problem is international in character.
- (b) There shall be no compulsory repatriation.
- (c) Action taken by IRO must not interfere with existing international arrangements for apprehension of war criminals, Quislings, and traitors. This is being

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<sup>1</sup> Made by the U.S. representative, Mrs. Eleanor Roosevelt, before Committee 3 of the General Assembly at Lake Success on Nov. 8 and released to the press by the U.S. Delegation to the United Nations on the same date.

done by military occupation forces and is not the responsibility of this new organization.

As a consequence we support the draft constitution of the IRO which reflects the foregoing principles.

The United States has supported the principles advocated by my colleague from the U.S.S.R. which is proved by the numbers of people that have been repatriated from the United States zone. However, it would be foreign to our conception of democracy to force repatriation on any human being. Three and one-half million persons have been repatriated from the United States zone, but our people will always believe in the right of asylum and complete freedom of choice.

The Pilgrims, the Huguenots, and the Germans of 1848 came to us in search of political and religious freedom and a wider economic opportunity. They built the United States.

These people now in displaced-persons camps are kin to those early settlers of ours, and many of them might have relatives in the United States.

My Government urges the participation in the IRO as members by all peace-loving nations. There is no question but that this participation will entail financial sacrifices by all participating governments. For a time it will be a heavy burden; but in the long run it will be an economy and well worth the cost.

The finances of our organization will be considered in committee 5, where the financial burden will be allotted to the participating governments, so that the cost will be equitably shared by all, and each government will pay according to the standards laid down by committee 5.

In the interest of brevity I shall comment at this time only on some of the essential points in Mr. Vyshinsky's

speech of Wednesday, leaving other points for comment when we discuss the draft constitution article by article.

First of all I should like to say that Mr. Vyshinsky's view that no assistance should be given to those who for valid reasons decide not to return to their countries of origin is inconsistent with the unanimous decision of the General Assembly in the resolution on displaced persons of February 12, 1946. That clearly provides that these persons shall become the concern of the International Refugee Organization.

Mr. Vyshinsky says that this problem is very simple. It can be solved by repatriating all the displaced persons. In fact, those who do not wish to be repatriated must fall into this category. I think this point of view fails to take into consideration the facts of political change in countries of origin which have created fears in the minds of the million persons, who remain, of such a nature that they choose miserable life in camps in preference to the risks of repatriation.

Our colleague from Poland mentioned that since arrangements had been made to give people food allowances after their return home the numbers going home had increased. I think he is quite right that the fear of an economic situation has deterred a number of people from taking the risk of repatriation, but not all of them are actuated by consideration of the economic situation in their country of origin.

Seven million people have already been repatriated; repatriation is still proceeding. One thousand Poles are leaving the U.S. zones of Germany and Austria daily. The military administration which accomplished this result can hardly be held solely responsible for the failure of the last million to return.

It was a new point, I think, which Mr. Vyshinsky raised when he presented his position that those who do not choose to return to their countries of origin shall not be resettled, shall receive no aid towards settling somewhere else. This leaves them with the prospect of spending the rest of their lives in assembly centers as long as the IRO supports them or else of facing starvation. They obviously cannot be left in assembly centers to their own devices. They would continue as an irritant in good relations between friendly governments and contribute to delay in the restoration of peace and order which is the concern of all governments. There is no reason why they should become wanderers if instead they can be given an opportunity for resettlement in some country which has a future to offer them.

By another provision of the General Assembly resolution of February 1946, which, I think, Mr. Vyshinsky must have forgotten, no action taken shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, Quislings, and traitors in conformity with international arrangements or agreements. These arrangements, however, are the responsibility of other government bodies, including the military authorities.

I can tell you very briefly how arrangements for the apprehension of Quislings works out under the U.S. occupational authorities. U.S. officials are continuously engaged in screening the refugee personnel to locate Quislings or those who for other reasons are not entitled to be given asylum. When special complaints are received from other governments they are made by the governments' liaison officers with the United States Forces, European Theater. USFET thereupon makes an investigation through Army channels. If the investigation appears to substantiate the complaint, the case goes before a board of officers, which makes the

final determination. This method of procedure has in general been satisfactory; but it must be emphasized that this committee here is not, and should not, be the forum for debate as to its effectiveness. It is not our function here to discuss the adequacy of these arrangements or the performance under them. We are concerned with final decisions on the draft of the constitution of IRO. This draft clearly excludes from the benefits of the organization war criminals, Quislings, and traitors. We can hope that such persons will be entirely eliminated by the time the IRO begins to function.

Mr. Vyshinsky spoke of members of various military groups. The military character of different groups and their members, we think, has been greatly exaggerated. They are the concern of the military authorities, however, and will be handled by them. Those who fought with the Germans and collaborated with them are clearly excluded from assistance from the IRO in the constitution before us. I have asked that the U.S. military authorities supply me with a report on each of the incidents complained of by Mr. Vyshinsky where the U.S. is concerned, and I shall report these findings in writing to the committee, if it so desires, as soon as they are available.

Now we come to the point which Mr. Vyshinsky made that all propaganda should be suppressed in the camps. He challenges us on the point that under the guise of freedom of expression propaganda hostile to the countries of origin is tolerated. On this point I am afraid we hold very different ideas. But this does not preclude cooperation between us. We, in the United States, tolerate opposition provided it does not extend to the point of advocacy of the overthrow of government by force. Unless the right of opposition is conceded, it seems to me that there is very little possibility that countries with differing conceptions of democracy can live

together without friction in the same world. Much progress has been made to date in dealing with this problem of propaganda within the framework of these divergent views. With patience and understanding we can achieve still further progress in this direction.

Mr. Vyshinsky objects to the inclusion of certain categories of refugees and displaced persons.

One group consists of those who, as a result of events subsequent to the outbreak of the second World War, are unable or unwilling to avail themselves of the protection of the government of their countries of nationality or of former nationality.

This paragraph covers those who for political reasons, territorial changes, or changes of sovereignty are unable to return to their country. That paragraph is in annex 1, part 1, section A, paragraph 2. I regret that Mr. Vyshinsky cannot confirm the agreement reached at the last session of the Economic and Social Council on this point. We consider it essential that the paragraph be retained. But since he asked who these people are, I should like out of my own experience to mention a few. I visited two camps near Frankfurt, where the majority of people had come from Estonia, Latvia, and Lithuania. I have received innumerable petitions. My mail today carried three from people in different countries, who, because changes had come in the types of government in their countries, felt that they did not wish to return. That does not mean that they do not love their country; it simply means that they prefer the country as it was before they left it. That country they feel no longer belongs to them. I gather that Mr. Vyshinsky felt that anyone who did not wish to return under the present form of government must of necessity be Fascist. I talked to a great many of these people who do not strike me as Fascist, and the assumption that people do not wish to return to the country of their origin because those countries are now under what is called a democratic

form of government does not seem to allow for certain differences in the understanding of the word *democracy*. As Mr. Vyshinsky uses it, it would seem that democracy is synonymous with Soviet, or at least a fairly similar conception of political and economic questions. Under that formula I am very sure that he would accept some of the other nations in the world who consider themselves democracies and who are as willing to die for their beliefs as are the people of the Soviet Union.

Mr. Vyshinsky also objected to certain exceptions to the general rule that those who had voluntarily assisted the enemy are excluded from the concern of the IRO. The intent of the exemptions is to cover those who were forced to perform slave labor or who may have rendered humanitarian assistance, such as assistance to wounded civilians. Mr. Vyshinsky proposes to exclude all those who assisted in any manner. Under such language those merely present in any occupied area forced by necessity of survival to perform any form of work or service within the German economy would be considered to have assisted the enemy and would thus be excluded. This would result in cruel hardship on many. We can, however, discuss the point at greater length later.

I sincerely regret having to speak in opposition to some of Mr. Vyshinsky's views. But he will recall that in London there were some things which because of the fundamental beliefs I hold, I had to stand on. I felt strongly about them then and I still do. This does not mean that Mr. Vyshinsky cannot hold to his basic beliefs as well and still achieve with us a solution. This solution can be reached if we are both willing in these fields to try for a spirit of cooperation and a realistic approach to our problems. It is essential to the peace of the world that we wipe out some of our resentments as well as our fears. I hope that as time goes on our two great nations may grow to understand each other and to accept our different viewpoints on certain questions.

## APPENDIX F

THE FUTURE OF DISPLACED PERSONS IN  
EUROPEDEPT STATE BULL. VOL. XVIII, NO. 419,  
JULY 13, 1947, PP. 86-88STATEMENT BY LT. COL. JERRY M. SAGE<sup>1</sup>

On my return to Europe in 1946, I learned that of the about 8,000,000 displaced persons that the German armies had forced into Germany from other countries of Europe which they had occupied, approximately 7,000,000 had returned, with the aid of the Western Allied Armies, to the areas in which they formerly lived. In the zones of the Western Allies in Germany, Austria, and Italy, there were at the first of this year slightly over a million displaced persons in the hands of the Western Allied Armies. Between 80 and 90 percent of these had been forced into German territory by the Nazi armies before the end of hostilities. The balance were persecutees, for the most part the Jewish people who fled into our zones in Austria and Germany, almost entirely from Poland, in 1946. This movement was greatly accelerated by the murder of 40 Jews at Kielce on July 4, 1946.

At this point I should like to clarify a misapprehension which has arisen in previous discussions of this bill. It has been erroneously stated that 80 percent of the DP's entered the occupied zones after the end of hostilities. As I have indicated above, the true situation is exactly the reverse. I do not know how this misapprehension came about. It may

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<sup>1</sup> Excerpts from statement made on July 2, 1947, before the House Subcommittee on Immigration and Naturalization, and released to the press on the same date. Lieutenant Colonel Sage of the United States Army is attached to Headquarters of European Command, Frankfurt, Germany.

possibly stem from the fact that millions of Germans and persons of German ethnic origin ("Volksdeutsch") have fled or been transferred into the western zones of Germany from eastern Germany or from eastern European countries where they formerly resided. It is not with these people that we are concerned as they are Germans and have become a part of the German economy.

Of the million displaced persons remaining, Lithuanians, Latvians, Estonians, Poles, Jews, Yugoslavs, Ukrainians, and stateless persons, of whom we are talking here now, the United States has control of about 600,000 in Germany, Austria, and Italy. Of this number I have been vitally concerned with those residing in the U.S. zone of Germany, a total of over 500,000. When I left Germany a month ago, there were 354,000 of these displaced persons in assembly centers in our zone and about 150,000 living outside centers, either in labor units working for the U.S. Army or working in the German economy.

The United States Army has been charged with the responsibility for this group of half a million people. We have endeavored, with the assistance of UNRRA workers, to feed, clothe, and rehabilitate these people to the best of our ability and resources.

But we are continually asked one question and it is one we continually ask ourselves: "What is to become of these people—the ones our Army took under its control and still has under its control?"

The four alternative solutions presented by General Hilldring are not new. They have been discussed, considered, and elaborated on around our conference tables in Germany for many months. But the United States Army in Germany, although charged with the responsibility for displaced persons within American zones, cannot make the

decision as to what we are to do with these people in the future. That decision, we are fully aware, must be made by the United States Government—by the Congress—the ultimate governmental authority over them.

There are four possible alternatives:

1. Forcible repatriation.
2. Closing the camps and telling the displaced persons to become Germans and fend for themselves as best they can in Germany.
3. Continuing to maintain them separate from the political and economic organization in Europe, indefinitely, in the little communities which they form in the assembly centers.
4. Endeavoring to secure their resettlement in countries where they can rebuild their lives and strike new roots.

All I am here for is to give you briefly such of my observations of these people as you might feel to be useful to you in reaching your decision as to which of these alternative courses is to be pursued.

I shall endeavor to answer any questions which occur to you and to develop more fully any aspect that you may desire.

### **Repatriation**

The alternative of repatriation must, at this point, be definitely termed "forcible repatriation". As has just been pointed out, a tremendous job has been done in returning 7,000,000 persons to their homelands. Over the past two years every opportunity has been afforded to those now remaining in our zones to return. From my observation, those whom we still have on our hands are essentially a hard core of nonrepatriables who will not return to their place of

origin because the map of the area where they formerly lived has been redrawn and a government alien to them is in power. They fear a lack of political freedom and have a real dread of persecution. I can certainly testify as to the presence of those fears. It is not unusual in the United States zone of Germany, when a movement of displaced persons is contemplated from one installation to another for better accommodations or to meet a military exigency, that rumors immediately begin to circulate about the camp, and the fear is developed that transportation is coming to repatriate the displaced persons against their will. On several occasions it has been part of my job to visit such installations to quiet the panic among the people by giving them the true facts about the movement and reiterating that it has not been and is not the policy of the United States Government to force displaced persons to return to the area from which they came. There are still a few people who are accepting our continuing offer to aid those who are willing to go. They receive, when they reach their destination, a two months' ration to insure their subsistence until they get their feet on the ground and become reestablished. Those who have gone during the last year and those who may still be willing to go are mainly Poles who came from that part of Poland which is still Poland. But the vast majority of displaced persons now in our hands have convinced me that they will not go back. I cannot number the occasions on which I have asked every variety of DP, "Why don't you go home—to the piece of ground you know, the members of your family and old friends, to the place where you can use your native tongue?"

These are the answers I receive, and I receive them every day from people of nearly every walk of life. The Baltic peoples—the Lithuanians, Latvians, and Estonians—have said to me, "I would rather die than return to my home—it is no longer mine. It is in the hands of the same people who took away every right I had in 1940 and 1941

and who took away friends and relatives of mine whom I never saw again."

Many of the Poles and Ukrainians who formerly lived in Poland east of the Curzon Line, now Poland no longer, say, "I will not return to land now held by the U. S. S. R."

The Jews in our camps tell me: "The Nazi teachings were far reaching. I am still attacked in eastern Europe, as well as in Germany. Let me go to Palestine."

I recall a remark by a Yugoslav DP who was in the same prison camp with me in 1943. "Should I go home to a political regime I hate and fear—to be tried by Tito, who accuses me of being a collaborator during the time I was spending two years and 50 pounds of flesh in German prison camps? The only one with whom I could have collaborated was God!"

Such observations, multiplied hundreds of times, are heard not only by me, but by every person who works with displaced persons in our zone. It does not do any good to say to these people that "7,000,000 displaced persons have gone back to where they came from: why don't you?" The answer is too simple and too clear. Naturally, the millions of French and other western Europeans went back home. Naturally, the millions of Russians who believed in the Russian economic and governmental system went back. Naturally, also, anyone who believed in or was indifferent about the new systems of government in other eastern areas went back. The ones who have gone were the ones who were willing to go. Their experience is no guide for those who are now unwilling to go. Is it reasonable to expect the DP Balts, for example, who are bitterly hostile to the political and economic system which they experienced in 1940 and 1941 and which now rigidly controls their countries, to feel that it is safe for them to go back, carrying their hostility with them,

to work against Communism? The very fact that they go back *unwillingly* is enough to endanger them. Or are we to expect and demand of them that, because their native countries have changed hands, they must therefore change their beliefs and accept Communism as their way of life? We believe that these persons unwilling to go back would have to be rounded up by the U.S. constabulary or German police and forced into repatriation trains with gun and bayonet.

### **Shall We Close the Camps?**

The second alternative is to close the camps and tell the displaced persons that they should become Germans and get such work or relief as the Germans might provide. From my contacts with these people I have observed several aspects of this alternative which you gentlemen may wish to consider in determining what course to choose. The first is that the great body of these people would regard it as a return to imprisonment to be turned back to the Germans whose armies brought them into Germany for forced labor or into prisoner-of-war or concentration camps. It has been equally apparent from my contacts that the Germans do not want the displaced persons in their midst. The Germans have not forgotten the Nazi indoctrination which looked on the non-German as an inferior person to be exploited by the "master race". This feeling appears as one of our difficulties in finding employment for displaced persons. Too often the German administrator of a labor office discriminates against the displaced-person applicant, at least by passive if not active means. These ingrained antagonisms would be a perpetual source of conflict. They would prolong and make more burdensome our task in the occupation of Germany.

In addition to these deep-rooted antagonisms, there are factors in the economy of the western zone of Germany, as we over there observe it, which also have a definite bearing on the practicability of this second alternative. There are

slightly over 500,000 displaced persons in the U.S. zone of Germany alone. Can we expect the economy of the zone to absorb this half-million? Before the war, this area contained about 14 million people. In addition to that population we have had to accept 1½ million expellees (ethnic Germans) from eastern countries such as Czechoslovakia, Hungary, and Poland. Another million people have been added to the German economy in our zone under the classification of German refugees—Germans displaced from their homes in either the Russian zone or in the area presently under Polish administration. Thus, excluding the displaced persons, the total population of our zone has now been brought to about 16½ million. When one considers that at least 30 percent of the housing in the U.S. zone has been destroyed and its industries for the most part destroyed or collapsed; that even before the war, under the extreme food-production efforts of the Nazis, this area had to import 20 percent of its food requirements for a normal population of 14 million; that 2½ million Germans have been added to the area; and that it is also supposed to feed a million persons in the U.S. sector of Berlin, the reason why American taxpayers have the alternative of contributing heavily to the support of this surplus German population or letting it starve is apparent. Merely to close the camps and add these half-million non-Germans to the already surplus Germans in our area would give us only an apparent but no real relief from the situation we created when we conquered Germany and took these victims of Germany into our hands.

## APPENDIX G

## 22 C.F.R. 61.313.(i)(c) SUPP. 1946

(j) *First-priority nonpreference class.* The first-priority nonpreference category of quota immigrants shall consist of the following:

(a) Aliens who have served honorably in the armed forces of the United States, and the alien widows, parents, unmarried minor children, and unmarried minor stepchildren of citizens of the United States (including deceased citizens) who have so served, and aliens who have served honorably as seamen for at least one year on vessels of countries of the United Nations engaged in sailing from ports in the United States, the service in either case having occurred during the period of the war that began on September 1, 1939, such persons not having voluntarily abandoned such service or occupation so long as they were not physically incapacitated for such service.

(b) Aliens who have been recommended by the Joint Chiefs of Staff as persons whose admission is highly desirable in the national interest, provided that such cases have been approved by all appropriate governmental agencies.

(c) Displaced persons covered by the President's directive of December 22, 1945 and his directive of October 31, 1946.

Aliens in the first-priority nonpreference class shall have their applications for nonpreference-quota immigration visas considered only after consideration shall have been given to the applications of all first-preference and second-preference immigrants awaiting visas. Aliens in the first-priority nonpreference-quota category shall have their

applications for visas considered in the order in which their registration forms were properly filled out and received at the consular office, but consideration need not be given to the visa application of any alien in this category unless a quota number is likely to be available for use in issuing a visa to him. [Subdivision (i) amended by Dept. Reg. 108.34, Dec. 14, 1946, effective Dec. 24, 1946, 11 F.R. 14611]

## APPENDIX H

DEPT STATE BULL. VOL. XVI., NO. 401,  
MARCH 9, 1947, PP. 423-429

**U.S. Participation in International Refugee Organization**

**THE PRESIDENT'S RECOMMENDATION  
TO THE CONGRESS<sup>1</sup>**

*To the Congress of the United States of America:*

I recommend that the Congress authorize the United States to participate as a member of the International Refugee Organization.

As an aftermath of the war, there are more than one million displaced persons remaining in Germany, Austria, and Italy. Almost two thirds of these are under United States care and control. The Allied military victory over the Axis Powers brought with it a practical and moral responsibility with reference to these victims of the Axis.

The General Assembly of the United Nations has considered the problem of these displaced persons carefully and at great length. At the first session in London, certain basic principles were established. It was agreed that this problem is international in scope and nature; that every effort should be made to facilitate the repatriation of displaced persons who desire to return to their homelands; that displaced persons who have valid objections to return should not be forced to do so, but should be cared for by an international agency until new homes can be found for them elsewhere. Between the January and October sessions of the General Assembly, the Economic and Social Council made a detailed study of the entire problem and recommended the establishment of

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<sup>1</sup> Released to the press by the White House Feb. 24, 1947.

an International Refugee Organization which would provide an integrated and effective solution. At the meeting of the General Assembly in New York which ended in December, the draft constitution recommended by the Economic and Social Council was adopted. The United States Representative to the United Nations, Senator Warren Austin, signed the constitution of the International Refugee Organization subject to subsequent approval by the Congress.

This constitution represents an earnest effort by the United Nations to solve one of the most poignant and difficult problems left in the wake of the war. The organization to be created will have no governmental powers. It can in no way alter the statutes of any of its members. It can obtain funds only by appropriations by the constitutional processes of its members. It will be solely a service organization to aid in the solution of a common problem. I am confident that with the full support of the United States the International Refugee Organization will demonstrate the practical effectiveness of cooperation and understanding among nations. The participation of this Nation in the Organization was proposed in my budget message for the fiscal year 1948, and provision was made for the necessary funds within the proposed budget.

With respect to those displaced persons in our own areas of occupation, the United States Army has an excellent record of performance in a field which is not traditionally the responsibility of soldiers. The Army from the first recognized the need for making the maximum use of international civilian agencies, and has done so. With the forthcoming termination of the supply of civilian personnel from other organizations now used in the care and supply of displaced persons, I believe that it is of the utmost importance that the International Refugee Organization be established as soon as possible. It would indeed be serious if it

were not in a position to begin operations on July 1 of this year.

It is not unreasonable that many of the other potential members of the International Refugee Organization should watch closely the attitude of the United States before making their own definite commitments. I feel sure that with the firm and prompt leadership of the United States, this organization will be in a position to function as an international body to perform an essentially international service.

HARRY S. TRUMAN

THE WHITE HOUSE

*February 24, 1947*

**Congressional Hearings on IRO Constitution**

**LETTER FROM THE SECRETARY OF STATE TO  
SENATOR VANDENBERG<sup>1</sup>**

*February 24, 1947*

DEAR SENATOR VANDERBERG:

I would be grateful if you would bring to the attention of the Committee on Foreign Relations the following remarks pertaining to S.J. Res. 77, a bill to authorize U.S. membership in the International Refugee Organization. I regret that the intensive preparations required for the forthcoming meeting of the Council of Foreign Ministers in Moscow make it impossible for me to present these views in person.

At the climax of the war in Europe, on April 20, 1945, to be exact, I transmitted to the leaders of the Congress an

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<sup>1</sup> Released to the press Mar. 1, 1947. Senator Vandenberg is Chairman of the Senate Committee on Foreign Relations.

urgent message from the Supreme Commander of the Allied Expeditionary Force. In that message General Eisenhower referred to the "unspeakable conditions" found in the concentration camps then being liberated by our advancing armies. He invited the Congressional leaders to make a flying trip to Germany to see for themselves the "full evidence of the cruelty practiced by the Nazis in such places as normal procedure."

With a deep sense of responsibility, a bi-partisan committee of twelve Senators and Representatives dropped their current business and departed by air for Germany. They saw for themselves; and through their eyes, the whole country saw too. The report of this joint committee, signed by all twelve members, ranks in my opinion as an historic document. It described vividly the tragic plight of those who were victimized by the Nazis. It recorded firm determination to do every thing possible to right the appalling wrongs perpetrated by the enemy. It was a moral mandate, to soldier and civilian alike, to exert every effort to help these unfortunate people.

Almost two years have elapsed since that joint Congressional report. More than 3½ million of our soldiers have been returned from the European battleground. Seven million displaced persons have been assisted to return to their homes from areas under the control of the Western Allied Armies. Many of the German war criminals responsible for the suffering and dislocation of these people have been tried and punished. However, some of the victims of Nazi concentration camps are still in displaced persons centers in our Occupied Areas. We also have many others who, although not actually confined in concentration camps, had been uprooted from their homes by the Nazis and brought to Germany for forced labor. They are still there. Why? Because we will not force them back against their will to the

countries from which they were uprooted; and because they have not yet been resettled elsewhere. We are now faced with this pressing question: What is to happen to these people?

My distinguished predecessor, Mr. Byrnes, established the policy that the future care and disposition of these displaced persons is a collective international responsibility just as was the military defeat of Germany and the punishment of Nazi war criminals. This policy was determined and supported without regard to differences of political affiliation. With your approval and assistance, I intend to continue that policy.

In furtherance of this policy the United States has actively supported in the United Nations the formation of an International Refugee Organization. As you know, Senator Austin, acting under authority of full powers issued by the President, has signed the constitution of the IRO, subject to final approval by Congress. The purpose of this Organization is to enable displaced persons to subsist while it actively effects their repatriation or resettlement. This will relieve the Army of its part of the present divided and difficult responsibility and should mean immediate economy of effort and funds and a speedier solution of the whole problem.

I have asked the Secretary of War, the Under Secretary of State and the Assistant Secretary of State for Occupied Areas to describe in more detail the nature of the present problem and the projected scope of activities of the new International Refugee Organization. In advance of their testimony, I would earnestly stress that, with whatever minor imperfections there may be as the inevitable product of reconciling many conflicting viewpoints, I believe that the IRO will advance this problem to its permanent solution. I therefore urge as an important element of our foreign policy

that the Congress support the efforts we have made thus far by authorizing the United States to participate in this Organization. I am confident that the Congress will approach this situation with the same deep sense of responsibility that it acted upon General Eisenhower's urgent message almost two years ago.

Faithfully yours,

GEORGE C. MARSHALL

*Secretary of State*

#### STATEMENT BY UNDER SECRETARY ACHESON<sup>1</sup>

Mr. Chairman, I appreciate the opportunity which your Committee has given to the representatives of the Department of State to appear before you for the purpose of supporting Senate Joint Resolution 77, to provide for the United States membership in the International Refugee Organization.

The provisions of this bill can be simply stated. First, it authorizes the President to accept membership in the International Refugee Organization. Second, it provides that the President shall designate United States representatives and alternates to attend sessions of the International Refugee Organization. Third, it authorizes an appropriation of the sums necessary for the United States to participate in the organization. Essentially what this bill asks, therefore, is congressional authorization which will make definitive the action already taken by Senator Austin in signing provisionally the constitution of the International Refugee Organization.

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<sup>1</sup> Opening statement made before the Senate Committee on Foreign Relations at hearings of that committee on the IRO on Mar. 1, 1947, and released to the press on the same date.

What is it that this constitution provides? It establishes an organization to deal on an integrated basis with the whole problem of refugees and displaced persons. For the purposes of this organization, a displaced person is someone who had to leave his own country as a result of the actions of the Nazi or Fascist authorities. A refugee is, generally speaking, anyone outside of his own country who was either a victim of Nazi persecution or who now is unwilling to return to his own country as a result of events which took place subsequent to the outbreak of the war. In general, the organization concerns itself with such people only when certain conditions are fulfilled, i. e., that such persons desire to be repatriated and need help in order to be repatriated or for good reasons refuse to return voluntarily to their own countries. These are primarily the people whom the occupying armies found on their hands when they entered Germany, Austria, and Italy. They were people who had been taken against their will to Germany during the war, largely for the purpose of slave labor, or were people who, through fear of persecution or through lack of sympathy with the regimes which have been established in their own countries, fled to Germany, Austria, or Italy for protection. The organization will also be concerned with similar problems in the Far East, particularly with overseas Chinese displaced by operations of the Japanese armies.

Toward all these people the organization is intended to carry out certain functions. In the first place, obviously they must be cared for until some permanent disposition can be made of their case. In the second place, then, it is desirable that as many of these people as possible should be repatriated to their own countries since, always provided they are willing to go back, this solution represents the most economical and permanently satisfying way of handling the matter. Finally, those who have valid objections to returning to their own countries must be resettled in another place. Only to a

limited extent could they be absorbed into the German economy. For example, in our zone in Germany, as a result of the expulsion of Germans from other countries and areas, there are three million more people than before the war while opportunities for work have been narrowed by the destruction of industrial plants. Nor should these victims of the Germans be forced against their will to become a part of them. It is of the highest importance that they should be brought as speedily as practical to useful living in a community where they are needed and wanted.

There are certain additional limitations upon the classes of people which this organization will serve. A person, for example, who has unreasonably refused to accept the proposals of the organization for resettlement will cease to be its concern. Also, the organization will not assist a person who is making no substantial effort toward earning his own living if it is possible for him to do so. Lastly, the organization will naturally not concern itself with war criminals, quislings, or traitors, or any other persons who can be shown to have assisted the enemy forces voluntarily in their operations against the United Nations.

Membership in the International Refugee Organization is open to any member of the United Nations and under certain restrictions to certain non-members. The General Council is the policy-making body of the organization, in which each member is represented and in which each member has one vote. The Executive Committee is elected by the General Council and is composed of nine countries elected for a two-year term. The chief administrative officer of the International Refugee Organization is the Director General, who will be appointed by the General Council upon the nomination of the Executive Committee and will himself appoint the administrative staff of the organization. The personnel of the organization is calculated in the budget as

running somewhere between 2,000 and 3,000 persons, which will represent the number of persons required to carry on the field work and camp administrative functions that are now being performed by UNRRA and the occupying armies.

The financing of the International Refugee Organization will be based upon article 10 of the constitution. In the first place, there will be an annual administrative budget which the General Assembly has set at a figure of \$4,800,000 for the first financial year of the organization. Second, the main work of the organization is derived from the funds expended under the operational budget. It was set by the General Assembly at about \$151,000,000 for the first financial year of the organization. The largest part of this is obviously that devoted to care and maintenance, which is approximately \$100,000,000, or two thirds of the budget. However, it is clear that the more quickly we can get the displaced persons repatriated or resettled in other countries, the more quickly we shall be able to reduce the care and maintenance items in the budget by removing these people from assembly centers and camps. It was therefore important to make adequate provision for the expenses of repatriation and resettlement.

The two parts of the budget just mentioned constitute the obligatory portion of the financing of the International Refugee Organization. In addition to these two parts, there is also set up a sum of \$5,000,000 for what is described as a fund for large-scale resettlement, to which contributions are not obligatory upon the members.

The apportionment of the budget among the members was naturally something to which a great deal of thought was given. It had been agreed from the start that the administrative budget should be apportioned on the same scale as the apportionment of the budget of the United Nations. According to this, therefore, the United States emerges with

an obligation to pay 39.89 percent of the administrative budget of the International Refugee Organization. The operational budget, it was felt, should reflect a little more closely the interest of the different countries in the problem. Certain adjustments were also made in favor of countries which had suffered severe economic and financial damage as a result of the war. The United States share in the operational budget on a full membership basis is 45.75 percent. The United States has substantially 60 percent of the displaced persons actually on its hands and has been actually making a higher percentage of external contributions to the cost of their care.

It has of course always been recognized that, so far as the United States is concerned, the Congress is the appropriating authority and that any obligation undertaken by the United States to contribute would have to be made annually subject to the appropriating authority of Congress. As to the large-scale resettlement expenditures for which no allocation of percentage is made by the constitution, the Department of State suggests that the share of the United States in this non-obligatory budget could equitably be fixed at the same percentage as the United States share of the regular operational budget, 45.75 percent.

The International Refugee Organization is to be a temporary organization. Its work should be brought to a close within a few years. There is a large job to be done but the very nature of the problem and the burden of delay both on the United States taxpayer and on the displaced persons themselves make it imperative that it be rapidly accomplished. Any member may at any time give written notice of its intention to withdraw. The withdrawal then becomes effective one year after the notice has been given.

The International Refugee Organization is a service organization. It is not an organization with governmental-

powers. Nothing in the constitution of this organization would enable it to alter the statutes of any of its members, whether in respect of immigration or any other matter. Furthermore, as I have stated above, the organization can obtain from the United States only such funds as the Congress may appropriate to the organization.

The constitution which has been described is the result of many months of earnest deliberation in the United Nations. Within a few months after the termination of hostilities in August 1945 it became evident that the task to be faced was one which required the unification of functions with regard to the care, repatriation, and resettlement of displaced persons that were being carried on at that time by the American, British, and French military governments as well as by UNRRA and the Intergovernmental Committee on Refugees. The question of refugees and displaced persons was accordingly placed on the agenda of the General Assembly which met in London in January 1946. The question was recognized by the delegates gathered at London as one of the substantive problems of great urgency which the United Nations had to face.

The Assembly itself, faced with the immediate pressure of organizing the United Nations, could not make any systematic examination of the matter. It therefore referred the matter to the Economic and Social Council, which, after a long series of deliberations and sub-referrals to committees, reported back to the Assembly in October a proposal for an International Refugee Organization. After a considerable debate, the Assembly, on December 15, 1946, adopted the constitution of the proposed organization, approved a budget for the first financial year, and approved also an agreement for a Preparatory Commission to undertake necessary planning functions during the interim period before the coming into force of the constitution. At every point

throughout the debate, the urgency and importance of the question was evident. And to this question, I may add, more hours have been devoted in the United Nations than to any other single question exclusive of those concerning security.

The constitution was opened for signature on December 15, 1946. The constitution requires two conditions to bring it into force: (1) at least 15 states must become parties to it; (2) the allocated contributions of the participating states must constitute 75 percent of the total operational budget.

At the present time, 11 states are already signatories to the constitution. They are: Canada, the United States, France, the Dominican Republic, Honduras, Guatemala, the Philippines, Liberia, the Netherlands, Norway, and the United Kingdom. The allocated contributions of these states amount to 69.80 percent of the budget. Of these states, only the United Kingdom has as yet signed definitively without reservations similar to that of the United States.

Signature was made on behalf of the United States by Senator Austin "subject to approval". In this context, "approval" is understood to mean approval by the Congress. The joint resolution now before you will, if enacted, authorize the President to accept definitively for the United States membership in the organization. Favorable action by the United States will of course affect governments which are now looking to us to take the lead.

Since the action by the General Assembly, the Preparatory Commission of the IRO has met in Geneva, Switzerland, where preliminary plans have been made for the program of the IRO as and when it is legally established. The Commission elected as its Executive Secretary Mr. Arthur J. Altmeyer, who is the Commissioner of the United States Social Security Administration. Mr. Altmeyer will

thus have the administrative responsibility, as an international civil servant, for the next several months, of initiating the plans for the effectuation of the IRO.

The origin of the problem of the displaced persons is, I am sure, familiar to most of you. The great majority of these people were driven from their homes by the circumstances of the war. These were nationals of one or another of the United Nations or were persons who had been persecuted by the enemy. In very large part, they were people who had been carried into Germany as slave labor. When the war ended, they were without the means of repatriating themselves or of providing adequately for their own maintenance. In Germany, Austria, and Italy, the occupying western armies found some eight millions of homeless people sturdy enough to have survived, who became the joint concern of the occupying armies and of UNRRA.

There was then undertaken by the armies and UNRRA an extraordinarily effective job of identification, care and repatriation. Seven million people were returned to their homes within a year. This was a rapid job planned and instituted as a joint activity by SHAEF. It was also humanely accomplished. It was from all points of view the most satisfactory method of dealing with the problem. But it fell short of becoming a complete solution. There remained more than a million displaced persons on the hands of the United States, Great Britain, and France in Germany, Austria and Italy. The process of repatriation, though still continuing, has slowed up.

It is evident that there are, among the displaced persons, hundreds of thousands who will not voluntarily return to their places of origin. This is due to the changes wrought by the war in pre-war governmental boundaries and governmental systems within the areas from which they have come; to the aftermath of the memories of Nazi persecution in

those areas during the war, the destruction of their kindred and their former homes and former opportunities for livelihood; to differences in political views and fears of persecution or reprisal because of those differences. We are unwilling, if we were able, forcibly to send these uprooted people back to countries with new borders and new political systems. That has been the cardinal principle in handling these displaced persons in the past. It was approved by the General Assembly of the United Nations. It is firmly embodied in the constitution of the International Refugee Organization.

It has also been a firm principle in the administration of the displaced persons program, and it will continue to be under the International Refugee Organization, that these victims of German aggression will not against their will be forced to stay in Germany and become Germans. As a matter of fact, there is no place for them in the contracted German economy and in our already overcrowded zone.

It has always been the view of the military authorities that the problem of displaced persons was from its very nature one not for troops but for international civilian agencies. They have increasingly used such agencies. Our Army is not now staffed to carry on the task of administration of these hundreds of communities and the negotiation and execution of international arrangements for repatriation and resettlement. The International Refugee Organization provides a unified service for all the present varied services with the present diffused overheads and responsibilities.

The problem, then, is that of the remaining displaced persons, about one million people, of whom some 600,000 are in the United States zone.

Of these people, almost all come from the countries of eastern Europe. Perhaps a third are registered as Poles, a

fifth as Balts, a fourth as Jews, and smaller fractions as Yugoslavs and citizens of the Soviet Union, stateless, and of miscellaneous origin. We are thus dealing with a group of people originating in an area of Europe where political change has been great and where political tension is high. As an occupying power, we have these people on our hands; we are compelled to do something about them in a constructive and statesmanlike manner.

The program which is envisaged for these people is in summary as follows: First, the persons who can be repatriated must be temporarily cared for until their return home can be accomplished. They must receive initial supplies of food to start them on their way. Second, those who are unwilling to return need temporary care until they can be resettled. Third, the task of resettlement requires protracted negotiation with the potential countries of reception and then the making of arrangements for sorting out, training, medical examination, and transportation. Finally, such displaced persons as are unwilling to work to contribute to their own support or who are otherwise exploiting the assistance they are receiving, or have been collaborators with our enemies, or are unwilling to accept opportunities for resettlement, will no longer receive support. This recital of the tasks before the IRO will indicate, I think, the difficult program facing the organization. This Government has never believed that the job would be easy; but it has always been determined to see it through.

The International Refugee Organization has a substantial contribution to make to the cause of post-war reconstruction and international cooperation. Our participation in it would be a further earnest of our determined effort to make the United Nations work.

**APPENDIX I**

**UNRRA ORDER NO. 52,  
ELIGIBILITY FOR U.N. ASSISTANCE,  
JUNE 24, 1946, U.N. PAG-4/4.2-82  
U.N.R.R.A. CENTRAL HEADQUARTERS  
D.P. OPERATIONS, GERMANY  
ORDER NO. 52**

*24th June, 1946.*

**Subject: Eligibility for UNRRA Assistance**

**1. Purpose.**

a. This order rescinds Administrative Order No. 29, dated 4th March, 1946 subject: Categories of Displaced Persons.

b. One of UNRRA's fundamental responsibilities is to ensure that only those persons eligible for assistance under UNRRA Council Resolutions and implementing administrative decisions receive UNRRA care.

c. The purpose of this order is to re-state the eligibility requirements for UNRRA assistance, and to define the various categories of displaced persons for whom UNRRA is authorized to give care, as well as those categories of displaced persons who are ineligible for care.

**2. Applicability.**

The eligibility requirements set forth herein apply to all new applicants for UNRRA assistance, as well as to those displaced persons now receiving UNRRA care.

**3. Effective Date.**

This order will come into effect forthwith.

**4. Policy.**

a. The determination of eligibility for UNRRA care is the responsibility of UNRRA staff and not of the military

in each Zone of Occupation, except for the screening of war criminals, collaborators or traitors, which is a military responsibility.

b. Eligibility for UNRRA care shall be a matter for continuous review by UNRRA staff at all echelons.

c. Only those new applicants who meet the eligibility requirements stated herein shall receive UNRRA care.

d. Those persons found to be ineligible after review shall be denied UNRRA assistance in accordance with the procedure as established in this order.

**5. Categories of Displaced Persons Eligible for UNRRA Care.**

a. *United Nations nationals* who have been displaced as a result of the war from their countries of origin, citizenship, or previous residence.

(1) The date of displacement must have been on or after 1 September 1939 and prior to the cessation of hostilities, except for Czech nationals displaced after 14 March 1939, who are eligible.

(2) Examples:

(a) *United Nations nationals* of the following countries who meet the requirements of Sections 5a

and 5a(1) above are considered *prima facie* to be eligible, except insofar as they are in categories 6a, b, c and f below:

Albania	Byelorussian S.S.R.
Belgium	Luxembourg
Czechoslovakia	The Netherlands
Denmark	Norway
France	Poland
Greece	U.S.S.R.
Yugoslavia	Ukrainian S.S.R.
	and
Former residents of Estonia, Latvia and Lithuania.	

b *Persecutees*. Persons persecuted by the enemy because of their race, religion, or activities in favor of the United Nations. Persons in this category are eligible for UNRRA care *irrespective of the date they left their country or place of previous residence*, including those normally resident in Germany, whether or not displaced as a result of the war.

c. *Stateless Persons*, who have been driven, as a result of the war, from their previous places of settled residence.

(1) This category includes:

(a) Holders of Nansen passports;

(b) Persons who have been deprived of their nationality by decision of the government of their country, and who have not acquired a new nationality.

(2) The date of displacement must have been on or after 1 September, 1939, and prior to the cessation of hostilities.

d. *Miscellaneous Groups*.

(1) Italian nationals displaced as a result of the war on or after 1 September, 1939, and prior to the cessation of hostilities, and not normally resident in Germany.

(2) Allied Prisoners of War (RAMPS) who have lost their POW status, providing the military certifies that they do not fall within 6a, b and c below.

(3) All displaced persons originally eligible for UNRRA care who returned to Germany after having been repatriated.

**6. Categories of Displaced Persons Not Eligible for UNRRA Care.**

a. *United Nations nationals, stateless persons, and Italian nationals* who were not displaced as a result of the war, between 1 September 1939, and the cessation of hostilities, or who were normally resident in Germany and *internally* displaced as a result of the war.

b. *War criminals, collaborators, quislings or traitors*, of whatever race, nationality or religion.

c. *Enemy or ex-enemy nationals*, with the exception of those listed under 5b. Nationals of the following countries are enemy or ex-enemy nationals:

Austria	Japan
Bulgaria	Roumania
Germany	Siam
Hungary	

d. *Neutral nations nationals*, with the exception of those listed under paragraph 5b. Neutral nations are:

Afghanistan	Portugal
Eire	Spain
Finland	Sweden
Switzerland	

e. *So-called Volksdeutsche and German Balts.* Volksdeutsche are persons who, irrespective of their former nationality are, in fact, regarded as German citizens, both by their national authorities and by the occupying military authorities in the Zones where they are located. German Balts are citizens of the former Baltic republics (Latvia, Estonia, Lithuania) who are considered by the military authorities of the Zones where they are located as being, in fact, German citizens.

f. *Ex-Wehrmacht personnel* of whatever nationality or stateless, are ineligible unless individually certified by the military authorities as:

(i) Not a collaborator, war criminal, quisling or traitor;

(ii) Not a Volksdeutsche;

(iii) Having been completely discharged from military status;

(iv) Having entered the Wehrmacht involuntarily.

## 7. Special Category.

Nationals of the United Nations, as set forth below, are ineligible for UNRRA assistance unless they are persecutees or desire repatriation at this time. If repatriation is desired, UNRRA assistance will be provided.

Argentina	India
Australia	Iraq
Bolivia	Iran
Brazil	Lebanon
Canada	Liberia
Chile	Mexico
China	New Zealand
Colombia	Nicaragua
Costa Rica	Panama
Cuba	Paraguay
Dominican Republic	Peru
Ecuador	Philippine Islands
Egypt	Saudi Arabia
El Salvador	Syria
Ethiopia	Turkey
Guatemala	Union of South Africa
Haiti	United Kingdom
Honduras	U.S.A.
Iceland	Uruguay
	Venezuela

## 8. Procedure.

a. The Zone Director will communicate immediately with the military commander of the Zone and will advise him of the provisions of this order. The Military Commander will be requested to assist UNRRA in removing from camps individuals who are not eligible for UNRRA care. At the same time, the Military Commander will be assured of UNRRA assistance in removing from camps

individuals whom the military authorities determine to be war criminals, collaborators, quislings or traitors.

b. The Zone Director will notify this Headquarters promptly of the reply received from the Military Commander.

c. The Zone Director will bring this order to the attention of all UNRRA staff and will take full responsibility for its prompt execution, promulgating such additional implementing instructions as may be necessary.

d. The Zone Director will put into effect a plan for the controlled review of eligibility for UNRRA assistance of all persons now receiving care. He will establish the date by which the review of eligibility will be completed. District Directors and Field Supervisors will be instructed to make certain that the teams' review of eligibility progresses in accordance with a definite schedule, in order to ensure completion by the date established.

e. It will be the responsibility of the Zone Director to make certain that only those persons eligible for assistance receive UNRRA care.

f. The review of eligibility will include a careful examination of D.P. registration cards, and interview and re-interview with the displaced persons as necessary. All questionable cases of nationality must be referred to officially accredited liaison officers for determination, subject to review by the military authorities. This determination by the liaison officer must be rendered in writing.

g. The Zone Director will be responsible for submitting to appropriate military authorities, in writing, the names of those displaced persons found to be ineligible for UNRRA care as soon as their ineligibility is determined, with the request that they be removed from assembly centers if resident therein, or with the statement that they are ineligible for UNRRA assistance if they live outside assembly centers. The Zone Director will keep himself informed of the numbers of displaced persons found to be ineligible

and reported to the military authorities, the action taken by the military, and of difficulties arising in this respect.

(1) *Volksdeutsche*

(a) The National Liaison Officer of the Government of which the suspected Volksdeutsche were nationals will be consulted, and written statements will be obtained from this Liaison Officer as to whether they are regarded as being Volksdeutsche.

(b) Should the Liaison Officer confirm that the persons are to be considered as Volksdeutsche, the military authorities will be approached and requested to declare whether they likewise consider the persons as being Volksdeutsche.

(c) If the National Liaison Officer and the military authorities concur that they are to be considered as such, the military authorities will be requested to remove these persons from UNRRA assembly centers.

(d) The decision of the military authorities and of the Liaison Officer on the national status of persons suspected of being Volksdeutsche will be obtained in writing. No verbal statement is to be accepted.

h. (Reference CHQ Administrative Order 34, revised 18 May 1946) The Zone Director will include in his monthly Report to CHQ the progress of the eligibility review, the number of displaced persons who are found to be ineligible, and the action taken by the military to remove them from assembly centers. A separate statement should be made in the same report with respect to the displaced persons living outside centers.

F.E. MORGAN  
Lieutenant General,  
Chief of Operations,  
Germany.

**APPENDIX J****CONSTITUTION OF THE INTERNATIONAL  
REFUGEE ORGANIZATION****PREAMBLE**

**The Governments accepting this Constitution,**

**Recognizing:**

that genuine refugees and displaced persons constitute an urgent problem which is international in scope and character;

that as regards displaced persons, the main task to be performed is to encourage and assist in every way possible their early return to their country of origin;

that genuine refugees and displaced persons should be assisted by international action, either to return to their countries of nationality or former habitual residence, or to find new homes elsewhere, under the conditions provided for in this Constitution; or in the case of Spanish Republicans, to establish themselves temporarily in order to enable them to return to Spain when the present Falangist regime is succeeded by a democratic regime;

that re-settlement and re-establishment of refugees and displaced persons be contemplated only in cases indicated clearly in the Constitution;

that genuine refugees and displaced persons, until such time as their repatriation or re-settlement and re-establishment is effectively completed, should be protected in their rights and legitimate interests, should receive care and assistance and, as far as possible, should be put to useful employment in order to avoid the evil and anti-social consequences of continued idleness; and

that the expenses of repatriation to the extent practicable should be charged to Germany and Japan for persons displaced by those Powers from countries occupied by them:

**Have Agreed:**

for the accomplishment of the foregoing purposes in the shortest possible time, to establish and do hereby establish, a non-permanent organization to be called the International Refugee Organization, a specialized agency to be brought into relationship with the United Nations, and accordingly

**Have Accepted the Following Articles:**

**ARTICLE 1**

**MANDATE**

The mandate of the Organization shall extend to refugees and displaced persons in accordance with the principles, definitions and conditions set forth in Annex I, which is attached to and made an integral part of this Constitution.

**ARTICLE 2**

**FUNCTIONS AND POWERS**

1. The functions of the Organization to be carried out in accordance with the purposes and the principles of the Charter of the United Nations, shall be: the repatriation; the identification, registration and classification; the care and assistance; the legal and political protection; the transport; and the re-settlement and re-establishment, in countries able and willing to receive them, of persons who are the concern of the Organization under the provisions of Annex I. Such functions shall be exercised with a view:

(a) to encouraging and assisting in every way possible the early return to their country of nationality, or former habitual residence, of those persons who are the concern of the Organization, having regard to the

principles laid down in the resolution on refugees and displaced persons adopted by the General Assembly of the United Nations on 12 February 1946 (Annex III) and to the principles set forth in the Preamble, and to promoting this by all possible means, in particular by providing them with material assistance, adequate food for a period of three months from the time of their departure from their present places of residence provided they are returning to a country suffering as a result of enemy occupation during the war, and provided such food shall be distributed under the auspices of the Organization; and the necessary clothing and means of transportation; and

(b) with respect to persons for whom repatriation does not take place under paragraph 1 (a) of this article to facilitating:

(i) their re-establishment in countries of temporary residence;

(ii) the emigration to, re-settlement and re-establishment in other countries of individuals or family units; and

(iii) as may be necessary and practicable, within available resources and subject to the relevant financial regulations, the investigation, promotion or execution of projects of group re-settlement or large-scale re-settlement.

(c) with respect to Spanish Republicans to assist them to establish themselves temporarily until the time when a democratic regime in Spain is established.

2. For the purpose of carrying out its functions, the Organization may engage in all appropriate activities, and to this end, shall have power:

(a) to receive and disburse private and public funds;

(b) as necessary to acquire land and buildings by lease, gift, or in exceptional circumstances only, by purchase; and to hold such land and buildings or to dispose of them by lease, sale or otherwise;

(c) to acquire, hold and convey other necessary property;

(d) to enter into contracts, and undertake obligations; including contracts with Governments or with occupation or control authorities, whereby such authorities would continue, or undertake, in part or in whole, the care and maintenance of refugees and displaced persons in territories under their authority, under the supervision of the Organization;

(e) to conduct negotiations and conclude agreements with Governments;

(f) to consult and co-operate with public and private organizations whenever it is deemed advisable, in so far as such organizations share the purpose of the Organization and observe the principles of the United Nations;

(g) to promote the conclusion of bilateral arrangements for mutual assistance in the repatriation of displaced persons, having regard to the principles laid down in paragraph (c) (ii) of the resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III);

(h) to appoint staff, subject to the provisions of Article 9 of this Constitution;

(i) to undertake any project appropriate to the accomplishment of the purposes of this Organization;

(j) to conclude agreements with countries able and willing to receive refugees and displaced persons for the purpose of ensuring the protection of their legitimate rights and interests in so far as this may be necessary; and

(k) in general, to perform any other legal act appropriate to its purposes.

### **ARTICLE 3**

#### **RELATIONSHIP TO THE UNITED NATIONS**

The relationship between the Organization and the United Nations shall be established in an agreement between the Organization and the United Nations as provided in Articles 57 and 63 of the Charter of the United Nations.

### **ARTICLE 4**

#### **MEMBERSHIP**

1. Membership in the Organization is open to Members of the United Nations. Membership is also open to any other peace-loving States, not members of the United Nations, upon recommendation of the Executive Committee, by a two-thirds majority vote of members of the General Council present and voting, subject to the conditions of the agreement between the Organization and the United Nations approved pursuant to article 3 of this Constitution.

2. Subject to the provisions of paragraph 1 of this article, the members of the Organization shall be those

States whose duly authorized representatives sign this Constitution without reservation as to subsequent acceptance, and those States which deposit with the Secretary-General of the United Nations their instruments of acceptance after their duly authorized representatives have signed this Constitution with such reservation.

3. Subject to the provisions of paragraph 1 of this article, those States, whose representatives have not signed the Constitution referred to in the previous paragraph, or which, having signed it, have not deposited the relevant instrument of acceptance within the following six months, may, however, be admitted as members of the Organization in the following cases:

(a) if they undertake to liquidate any outstanding contributions in accordance with the relevant scale; or

(b) if they submit to the Organization a plan for the admission to their territory, as immigrants, refugees or displaced persons in such numbers, and on such settlement conditions as shall, in the opinion of the Organization, require from the applicant State an expenditure or investment equivalent, or approximately equivalent, to the contribution that they would be called upon, in accordance with the relevant scale, to make to the budget of the Organization.

4. Those States which, on signing the Constitution, express their intention to avail themselves of clause (b) of paragraph 3 of this article may submit the plan referred to in that paragraph within the following three months, without prejudice to the presentation within six months of the relevant instrument of acceptance.

5. Members of the Organization which are suspended from the exercise of the rights and privileges of Membership of the United Nations shall, upon request of

the latter, be suspended from the rights and privileges of this Organization.

6. Members of the Organization which are expelled from the United Nations shall automatically cease to be members of this Organization.

7. With the approval of the General Assembly of the United Nations, members of the Organization which are not members of the United Nations, and which have persistently violated the principles of the Charter of the United Nations may be suspended from the rights and privileges of the Organization, or expelled from its membership by the General Council.

8. A member of the Organization which has persistently violated the principles contained in the present Constitution, may be suspended from the rights and privileges of the Organization by the General Council, and with the approval of the General Assembly of the United Nations, may be expelled from the Organization.

9. A member of the Organization undertakes to afford its general support to the work of the Organization.

10. Any member may at any time give written notice of withdrawal to the chairman of the Executive Committee. Such notice shall take effect one year after the date of its receipt by the Chairman of the Executive Committee.

## ARTICLE 5

### ORGANS

There are established as the principal organs of the Organization: a General Council, an Executive Committee and a Secretariat.

## ARTICLE 6

### THE GENERAL COUNCIL

1. The ultimate policy-making body of the Organization shall be the General Council in which each member shall have one representative and such alternates and advisers as may be necessary. Each member shall have one vote in the General Council.

2. The General Council shall be convened in regular session not less than once a year by the Executive Committee provided, however, that for three years after the Organization comes into being the General Council shall be convened in regular session not less than twice a year. It may be convened in special session whenever the Executive Committee shall deem necessary; and it shall be convened in special session by the Director General within thirty days after a request for such a special session is received by the Director-General from one-third of the members of the Council.

3. At the opening meeting of each session of the General Council, the Chairman of the Executive Committee shall preside until the General Council has elected one of its members as Chairman for the session.

4. The General Council shall thereupon proceed to elect from among its members a first Vice-Chairman and a second Vice-Chairman, and such other officers as it may deem necessary.

## ARTICLE 7

### EXECUTIVE COMMITTEE

1. The Executive Committee shall perform such functions as may be necessary to give effect to the policies of the General Council, and may make, between sessions of the General Council, policy decisions of an emergency nature

which it shall pass on to the Director-General, who shall be guided thereby, and shall report to the Executive Committee on the action which he has taken thereon. These decisions shall be subject to reconsideration by the General Council.

2. The Executive Committee of the General Council shall consist of the representatives of nine members of the Organization. Each member of the Executive Committee shall be elected for a two-year term by the General Council at a regular session of the Council. A member may continue to hold office on the Executive Committee during any such period as may intervene between the conclusion of its term of office and the first succeeding meeting of the General Council at which an election takes place. A member shall be at all times eligible for re-election to the Executive Committee. If a vacancy occurs in the membership of the Executive Committee between two sessions of the General Council, the Executive Committee may fill the vacancy by itself appointing another member to hold office until the next meeting of the Council.

3. The Executive Committee shall elect a Chairman and a Vice-Chairman from among its members, the terms of office to be determined by the General Council.

4. Meetings of the Executive Committee shall be convened:

(a) at the call of the Chairman, normally twice a month;

(b) whenever any representative of a member of the Executive Committee shall request the convening of a meeting, by a letter addressed to the Director-General, in which case the meeting shall be convened within seven days of the date of the receipt of the request;

(c) in the case of a vacancy occurring in the Chairmanship, the Director-General shall convene a meeting at which the first item on the agenda shall be the election of a Chairman.

5. The Executive Committee may, in order to investigate the situation in the field, either as a body or through a delegation of its members, visit camps, hostels or assembly points within the control of the Organization, and may give instructions to the Director-General in consequence of the reports of such visits.

6. The Executive Committee shall receive the reports of the Director-General as provided in paragraph 6 of article 8 of this Constitution, and, after consideration thereof, shall request the Director-General to transmit these reports to the General Council with such comments as the Executive Committee may consider appropriate. These reports and such comments shall be transmitted to all members of the General Council before its next regular session and shall be published. The Executive Committee may request the Director-General to submit such further reports as may be deemed necessary.

## ARTICLE 8

### ADMINISTRATION

1. The chief administrative officer of the Organization shall be the Director-General. He shall be responsible to the General Council and the Executive Committee and shall carry out the administrative and executive functions of the Organization in accordance with the decisions of the General Council and the Executive Committee, and shall report on the action taken thereon.

2. The Director-General shall be nominated by the Executive Committee and appointed by the General Council. If no person acceptable to the General Council is nominated by the Executive Committee, the General Council may proceed to appoint a person who has not been nominated by the Committee. When a vacancy occurs in the office of the Director-General the Executive Committee may appoint an Acting Director-General to assume all the duties and functions of the office until a Director-General can be appointed by the General Council.

3. The Director-General shall serve under a contract which shall be signed on behalf of the Organization by the Chairman of the Executive Committee and it shall be a clause of such contract that six months' notice of termination can be given on either side. In exceptional circumstances, the Executive Committee, subject to subsequent confirmation by the General Council, has the power to relieve the Director-General of his duties by a two-thirds majority vote of the members if, in the Committee's opinion, his conduct is such as to warrant such action.

4. The staff of the Organization shall be appointed by the Director-General under regulations to be established by the General Council.

5. The Director-General shall be present, or be represented by one of his subordinate officers, at all meetings of the General Council, or the Executive Committee and of all other committees and subcommittees. He or his representatives may participate in any such meeting but shall have no vote.

6. (a) The Director-General shall prepare at the end of each half-year period a report on the work on the Organization. The report prepared at the end of each alternate

period of six months shall relate to the work of the Organization during the preceding year and shall give a full account of the activities of the Organization during that period. These reports shall be submitted to the Executive Committee for consideration, and thereafter shall be transmitted to the General Council together with any comments of the Executive Committee thereon, as provided by paragraph 6 of article 7 of this Constitution.

(b) At every special session of the General Council the Director-General shall present a statement of the work of the Organization since the last meeting.

## ARTICLE 9

### STAFF

1. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. A further consideration in the employment of the staff shall be adherence to the principles laid down in the present Constitution. Due regard shall be paid to the importance of recruiting staff on an appropriate geographical basis, and of employing an adequate number of persons from the countries of origin of the displaced persons.

2. No person shall be employed by the Organization who is excluded under Part II, other than paragraph 5, of Annex I of this Constitution, from becoming the concern of the Organization.

3. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organization. They shall refrain from any action

which might reflect on their position as international officials responsible only to the Organization. Each member of the Organization undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

## ARTICLE 10

### FINANCE

1. The Director-General shall submit, through the Executive Committee, to the General Council an annual budget, covering the necessary administrative, operational and large-scale re-settlement expenditures of the Organization, and from time to time such supplementary budgets as may be required. The Executive Committee shall transmit the budget to the General Council with any remarks it may deem appropriate. Upon final approval of a budget by the General Council, the total under each of these three headings—to wit, “administrative”, “operational” and “large-scale re-settlement”—shall be allocated to the members in proportions for each heading to be determined from time to time by a two-thirds majority vote of the members of the General Council present and voting.

2. Contributions shall be payable, as a result of negotiations undertaken at the request of members between the Organization and such members, in kind or in such currency as may be provided for in a decision by the General Council, having regard to currencies in which the anticipated expenditure of the Organization will be effected from time to time, regardless of the currency in which the budget is expressed.

3. Each member undertakes to contribute to the Organization its share of the administrative expenses as

determined and allocated under paragraphs 1 and 2 of this article.

4. Each member shall contribute to the operational expenditures—except for large-scale re-settlement expenditures—as determined and allocated under paragraphs 1 and 2 of this article, subject to the requirements of the constitutional procedure of such members. The members undertake to contribute to the large-scale re-settlement expenditures on a voluntary basis and subject to the requirements of their constitutional procedure.

5. A member of the Organization, which, after the expiration of a period of three months following the date of the coming into force of this Constitution, has not paid its financial contribution to the Organization for the first financial year, shall have no vote in the General Council or the Executive Committee until such contribution has been paid.

6. Subject to the provisions of paragraph 5 of this article, a member of the Organization which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Council or the Executive Committee if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding one full year.

7. The General Council may, nevertheless, permit such members to vote if it is satisfied that the failure to pay is due to conditions beyond the control of such members.

8. The administrative budget of the Organization shall be submitted annually to the General Assembly of the United Nations for such review and recommendation as the General Assembly may deem appropriate. The agreement under which the Organization shall be brought into relationship with the United Nations under article 3 of this Constitution may provide, *inter alia*, for the approval of the

administrative budget of the Organization by the General Assembly of the United Nations.

9. Without prejudice to the provisions concerning supplementary budgets in paragraph 1 of this article, the following exceptional arrangements shall apply in respect of the financial year in which this Constitution comes into force:

(a) the budget shall be the provisional budget set forth in Annex II to this Constitution; and

(b) the amounts to be contributed by the members shall be in the proportions set forth in Annex II to his Constitution.

## ARTICLE 11

### HEADQUARTERS AND OTHER OFFICES

1. The Organization shall establish its headquarters at Paris or at Geneva, as the General Council shall decide, and all meetings of the General Council and the Executive Committee shall be held at this headquarters, unless a majority of the members of the General Council or the Executive Committee have agreed, at a previous meeting or by correspondence with the Director-General to meet elsewhere.

2. The Executive Committee may establish such regional and other offices and representations as may be necessary.

3. All offices and representations shall be established only with the consent of the Government in authority in the place of establishment.

## ARTICLE 12

### PROCEDURE

1. The General Council shall adopt its own rules of procedure, following in general, the rules of procedure of the Economic and Social Council of the United Nations, wherever appropriate, and with such modifications as the General Council shall deem desirable. The Executive Committee shall regulate its own procedure subject to any decisions of the General Council in respect thereto.

2. Unless otherwise provided in the Constitution or by action of the General Council, motions shall be carried by simple majority of the members present and voting in the General Council and the Executive Committee.

## ARTICLE 13

### STATUS, IMMUNITIES AND PRIVILEGES

1. The Organization shall enjoy in the territory of each of its members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its objectives.

2. (a) The Organization shall enjoy in the territory of each of its members such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its objectives.

(b) Representatives of members, officials and administrative personnel of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. Such legal status, privileges and immunities shall be defined in an agreement to be prepared by the Organization after consultation with the Secretary-General of the United Nations. The agreement shall be open to accession by all members and shall continue in force as between the Organization and every member which accedes to the agreement.

## **ARTICLE 14**

### **RELATIONS WITH OTHER ORGANIZATIONS**

1. Subject to the provisions of the agreement to be negotiated with the United Nations, pursuant to article 3 of this Constitution, the Organization may establish such effective relationships as may be desirable with other international organizations.

2. The Organization may assume all or part of the functions, and acquire all or part of the resources, assets and liabilities of any intergovernmental organization or agency, the purposes and functions of which lie within the scope of the Organization. Such action may be taken either through mutually acceptable arrangements with the competent authorities of such organizations or agencies, or pursuant to authority conferred upon the Organization by international convention or agreement.

## **ARTICLE 15**

### **RELATIONSHIP WITH AUTHORITIES OF COUNTRIES OF LOCATION OF REFUGEES AND DISPLACED PERSONS**

The relationship of the Organization with the Governments or administrations of countries in which displaced persons or refugees are located, and the conditions under which it will operate in such countries, shall be determined by agreements to be negotiated by it with such Governments

or administrations in accordance with the terms of this Constitution.

## **ARTICLE 16**

### **AMENDMENT OF CONSTITUTION**

Texts of proposed amendments to this Constitution shall be communicated by the Director-General to members at least three months in advance of their consideration by the General Council. Amendments shall come into effect when adopted by a two-thirds majority of the members of the General Council present and voting and accepted by two-thirds of the members in accordance with their respective constitutional processes, provided, however, that amendments involving new obligations for members shall come into force in respect of each member only on acceptance by it.

## **ARTICLE 17**

### **INTERPRETATION**

1. The Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic.

2. Subject to Article 96 of the Charter of the United Nations and of Chapter II of the Statute of the International Court of Justice, any question or dispute concerning the interpretation or application of this Constitution shall be referred to the International Court of Justice, unless the General Council or the parties to such dispute agree to another mode of settlement.

## **ARTICLE 18**

### **ENTRY INTO FORCE**

1. (a) States may become parties to this Constitution by:

(i) signature without reservation as to approval;

(ii) signature subject to approval followed by acceptance;

(iii) acceptance.

(b) acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

2. This Constitution shall come into force when at least fifteen States, whose required contributions to Part I of the operational budget as set forth in Annex II of this Constitution amount to not less than seventy-five per cent of the total thereof, have become parties to it.

3. In accordance with Article 102 of the Charter of the United Nations, the Secretary-General, of the United Nations will register this Constitution, when it has been signed, without reservation as to approval, on behalf of one State or upon deposit of the first instrument of acceptance.

4. The Secretary-General of the United Nations will inform States parties to this Constitution, of the date when it has come into force; he will also inform them of the dates when other States have become parties to this Constitution.

IN FAITH WHEREOF the undersigned, duly authorized for that purpose, have signed this Constitution.

DONE at Flushing Meadow, New York, this fifteenth day of December, one thousand nine hundred and forty-six,

in a single copy in the Chinese, English, French, Russian and Spanish languages. The original texts shall be deposited in the archives of the United Nations. The Secretary-General of the United Nations will send certified copies of the texts to each of the signatory Governments and, upon the coming into force of the Constitution and the election of a Director-General, to the Director-General of the Organization.

## ANNEX I

### DEFINITIONS—GENERAL PRINCIPLES

1. The following general principles constitute an integral part of the definitions as laid down in Parts I and-II of this Annex.

(a) The main object of the Organization will be to bring about a rapid and positive solution of the problem of *bona fide* refugees and displaced persons, which shall be just and equitable to all concerned.

(b) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, having regard to the principles laid down in paragraph (c)(ii) of the resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III).

(c) As laid down in the resolution adopted by the Economic and Social Council on 16 February 1946, no international assistance should be given to traitors, quislings and war criminals, and nothing should be done to prevent in any way their surrender and punishment.

(d) It should be the concern of the Organization to ensure that its assistance is not exploited in order to

encourage subversive or hostile activities directed against the Government of any of the United Nations.

(e) It should be the concern of the Organization to ensure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries of origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries, or by persons who intend to settle in other countries for purely economic reasons, thus qualifying as emigrants.

(f) On the other hand it should equally be the concern of the Organization to ensure that no *bona fide* and deserving refugee or displaced person is deprived of such assistance as it may be in a position to offer.

(g) The Organization should endeavor to carry out its functions in such a way as to avoid disturbing friendly relations between nations. In the pursuit of this objective, the Organization should exercise special care in cases in which the re-establishment or re-settlement of refugees or displaced persons might be contemplated, either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question.

2. To ensure the impartial and equitable application of the above principles and of the terms of the definition which follows, some special system of semi-judicial machinery should be created, with appropriate constitution, procedure and terms of reference.

## PART I

Refugees and displaced persons within the meaning of the resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946.

### Section A *Definition of Refugees.*

1. Subject to the provisions of sections C and D and of Part II of this Annex, the term "refugee" applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories:

(a) victims of the nazi or fascist regimes or of regimes which took part on their side in the second world war, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;

(b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;

(c) persons who were considered refugees before the outbreak of the second world war, for reasons of race, religion, nationality or political opinion.

2. Subject to the provisions of sections C and D and of Part II of this Annex regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organization, the term "refugee" also applies to a person, other than a displaced person as defined in section B of this Annex, who is outside of his country of nationality or former habitual residence, and who, as a result of events subsequent to the outbreak of

the Second World War, is unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality.

3. Subject to the provisions of Section D and of Part II of this Annex, the term "refugee" also applies to persons who, having resided in Germany or Austria, and being of Jewish origin or foreigners or stateless persons, were victims of nazi persecution and were detained in, or were obliged to flee from, and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly resettled therein.

4. The term "refugee" also applies to unaccompanied children who are war orphans or whose parents have disappeared, and who are outside their countries of origin. Such children, 16 years of age or under, shall be given all possible priority assistance, including, normally, assistance in repatriation in the case of those whose nationality can be determined.

**Section B *Definition of Displaced Persons.*** The term "displaced person" applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, section A, paragraph 1(a) of this Annex has been deported from, or has been obliged to leave his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organization subject to the provisions of sections C and D of Part I and to the provisions of Part II of this Annex. If the reasons for their displacement have ceased to exist, they should be repatriated as soon as possible in accordance with article 2, paragraph 1(a) of this Constitution, and subject to the provision of paragraph (c), subparagraphs (ii) and (iii) of the

General Assembly resolution of 12 February 1946 regarding the problem of refugees (Annex III).

Section C *Conditions under which "Refugees" and "Displaced Persons" will become the concern of the Organization.*

1. In the case of all the above categories except those mentioned in section A, paragraphs 1(b) and 3 of this Annex, persons will become the concern of the Organization in the sense of the resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organization is required in order to provide for their repatriation, or if they have definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the Governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries.

(a) The following shall be considered as valid objections:

(i) persecution, or fear, based on reasonable grounds of persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the Preamble of the Charter of the United Nations;

(ii) objections of a political nature judged by the Organization to be "valid", as contemplated in

paragraph 8(a)<sup>1</sup> of the report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946:

(iii) in the case of persons falling within the category mentioned in section A, paragraphs 1(a) and 1(c) compelling family reasons arising out of previous persecution, or, compelling reasons of infirmity or illness.

(b) The following shall normally be considered "adequate information": information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the Governments of these countries, who shall be given every facility for visiting camps and assembly centres of refugees and displaced persons in order to place such information before them.

2. In the case of all refugees falling within the terms of Section A paragraph 1(b) of this Annex, persons will become the concern of the Organization in the sense of the resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946, so long as the Falangist regime in Spain continues. Should that regime be replaced by a democratic regime they will have to produce valid objections against returning to Spain corresponding to those indicated in paragraph 1(a) of this section.

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<sup>1</sup> Paragraph 8 (a):

*"In answering the representative of Belgium, the Chairman stated that it was implied that the International body would judge what were, or what were not, 'valid objections'; and that such objections clearly might be of a political nature."*

**Section D** *Circumstances in which Refugees and Displaced Persons will cease to be the concern of the Organization.* Refugees or displaced persons will cease to be the concern of the Organization:

(a) when they have returned to the countries of their nationality in United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality; or

(b) when they have acquired a new nationality; or

(c) when they have, in the determination of the Organization become otherwise firmly established; or

(d) when they have unreasonably refused to accept the proposals of the Organization for their resettlement or repatriation; or

(e) when they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organization.

## PART II

Persons who will not be the concern of the Organization.

1. War criminals, quislings and traitors.
2. Any other person who can be shown:

(a) to have assisted the enemy in persecuting civil populations of countries, Members of the United Nations; or

(b) to have voluntarily assisted the enemy forces since the outbreak of the second world war in their operations against the United Nations.<sup>1</sup>

3. Ordinary criminals who are extraditable by treaty.

4. Persons of German ethnic origin, whether German nationals or members of German minorities in other countries, who:

(a) have been or may be transferred to Germany from other countries;

(b) have been, during the second world war, evacuated from Germany to other countries;

(c) have fled from, or into, Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied armies.

5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.

6. Persons who, since the end of hostilities in the second world war:

(a) have participated in any organization having as one of its purposes the overthrow by armed force of the Government of their country of origin, being a Member of the United Nations; or the overthrow by

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<sup>1</sup> Mere continuance of normal and peaceful duties, not performed with the specific purpose of aiding the enemy against the Allies or against the civil population of territory in enemy occupation, shall not be considered to constitute "voluntary assistance." Nor shall acts of general humanity, such as care of wounded or dying, be so considered except in cases where help of this nature given to enemy nationals could equally well have been given to Allied nationals and was purposely withheld from them.

armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization.

(b) have become leaders of movements hostile to the Government of their country of origin being a Member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin;

(c) at the time of application for assistance, are in the military or civil service of a foreign State.

## **ANNEX II**

### **BUDGET AND CONTRIBUTIONS FOR THE FIRST FINANCIAL YEAR**

1. The provisional budget for the first financial year shall be the sum of 4,800,000 United States dollars for administrative expenses, and a sum of 151,060,500 United States dollars for operational expenses (except for large-scale re-settlement expenses), and a sum of 5,000,000 United States dollars for large-scale re-settlement expenses. Any unspent balance under these headings shall be carried over to the corresponding heading as a credit in the budget of the next financial year.

2. These sums (except for large-scale re-settlement expenses), shall be contributed by the members in the following proportions:

### A—FOR ADMINISTRATIVE EXPENSES

<u>Country</u>	<u>Percentage</u>	<u>Country</u>	<u>Percentage</u>
Afghanistan . . . . .	0.05	Liberia . . . . .	0.04
Argentina . . . . .	1.85	Luxembourg . . . . .	0.05
Australia . . . . .	1.97	Mexico . . . . .	0.63
Belgium . . . . .	1.35	Netherlands . . . . .	1.40
Bolivia . . . . .	0.08	New Zealand . . . . .	0.50
Brazil . . . . .	1.85	Nicaragua . . . . .	0.04
Byelorussian		Norway . . . . .	0.50
Soviet Socialist		Panama . . . . .	0.05
Republic . . . . .	0.22	Paraguay . . . . .	0.04
Canada . . . . .	3.20	Peru . . . . .	0.20
Chile . . . . .	0.45	Philippine	
China . . . . .	6.00	Republic . . . . .	0.29
Colombia . . . . .	0.37	Poland . . . . .	0.95
Costa Rica . . . . .	0.04	Saudi Arabia . . . . .	0.08
Cuba . . . . .	0.29	Sweden . . . . .	2.35
Czechoslovakia . . . . .	0.90	Syria . . . . .	0.12
Denmark . . . . .	0.79	Turkey . . . . .	0.91
Dominican		Ukrainian Soviet	
Republic . . . . .	0.05	Socialist	
Ecuador . . . . .	0.05	Republic . . . . .	0.84
Egypt . . . . .	0.79	Union of South	
El Salvador . . . . .	0.05	Africa . . . . .	1.12
Ethiopia . . . . .	0.08	Union of Soviet	
France . . . . .	6.00	Socialist	
Greece . . . . .	0.17	Republics . . . . .	6.34
Guatemala . . . . .	0.05	United Kingdom . . . . .	11.48
Haiti . . . . .	0.04	United States of	
Honduras . . . . .	0.04	America . . . . .	39.89
Iceland . . . . .	0.04	Uruguay . . . . .	0.18
India . . . . .	3.95	Venezuela . . . . .	0.27
Iran . . . . .	0.45	Yugoslavia . . . . .	0.33
Iraq . . . . .	0.17		
Lebanon . . . . .	0.06		100.00

**B—FOR OPERATIONAL EXPENSES**  
**(Except for Large Scale Resettlement)**

<u>Country</u>	<u>Percentage</u>	<u>Country</u>	<u>Percentage</u>
Afghanistan . . .	0.03	Liberia . . . . .	0.02
Argentina . . . . .	1.50	Luxembourg . . .	0.04
Australia . . . . .	1.76	Mexico . . . . .	0.54
Belgium . . . . .	1.00	Netherlands . . .	0.90
Bolivia . . . . .	0.07	New Zealand . . .	0.44
Brazil . . . . .	1.50	Nicaragua . . . .	0.02
Byelorussian		Norway . . . . .	0.44
Soviet Socialist		Panama . . . . .	0.04
Republic . . . . .	0.16	Paraguay . . . . .	0.02
Canada . . . . .	3.50	Peru . . . . .	0.17
Chile . . . . .	0.39	Philippines . . . .	0.24
China . . . . .	2.50	Poland . . . . .	0.61
Colombia . . . . .	0.32	Saudi Arabia . . .	0.07
Costa Rica . . . . .	0.02	Sweden . . . . .	2.20
Cuba . . . . .	0.24	Syria . . . . .	0.10
Czechoslovakia . .	0.80	Turkey . . . . .	0.88
Denmark . . . . .	0.68	Ukrainian Soviet	
Dominican		Socialist	
Republic . . . . .	0.04	Republic . . . . .	0.62
Ecuador . . . . .	0.04	Union of South	
Egypt . . . . .	0.68	Africa . . . . .	1.00
El Salvador . . . .	0.03	Union of Soviet	
Ethiopia . . . . .	0.07	Socialist	
France . . . . .	4.10	Republics . . . . .	4.69
Greece . . . . .	0.15	United Kingdom . .	14.75
Guatemala . . . . .	0.04	United States of	
Haiti . . . . .	0.02	America . . . . .	45.75
Honduras . . . . .	0.02	Uruguay . . . . .	0.15
Iceland . . . . .	0.02	Venezuela . . . . .	0.23
India . . . . .	3.66	Yugoslavia . . . .	0.23
Iran . . . . .	0.39	New Members . . .	1.92
Iraq . . . . .	0.15		<hr/>
Lebanon . . . . .	0.05		100.00

3. Contributions to large-scale re-settlement expenses shall be governed by the provisions of article 10, paragraph 4 of this Constitution.

**ANNEX III****RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON  
12 FEBRUARY 1946****(DOCUMENT A/45)****The General Assembly,**

**RECOGNIZING** that the problem of refugees and displaced persons of all categories is one of immediate urgency and recognizing the necessity of clearly distinguishing between genuine refugees and displaced persons on the one hand, and the war criminals, quislings and traitors referred to in paragraph (d) below, on the other:

(a) **DECIDES** to refer this problem to the Economic and Social Council for thorough examination in all its aspects under item 10 of the agenda for the first session of the Council and for report to the second part of the first session of the General Assembly;

(b) **RECOMMENDS** to the Economic and Social Council that it establish a special committee for the purpose of carrying out promptly the examination and preparation of the report referred to in paragraph (a); and

(c) **RECOMMENDS** to the Economic and Social Council that it take into consideration in this matter the following principles:

(i) this problem is international in scope and nature;

(ii) no refugees or displaced persons who have finally and definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the Governments of their countries of origin, expressed valid

objections to returning to their countries of origin and who do not come within the provisions of paragraph (d) below, shall be compelled to return to their country of origin. The future of such refugees or displaced persons shall become the concern of whatever international body may be recognized or established as a result of the report referred to in paragraphs (a) and (b) above, except in cases where the Government of the country where they are established has made an arrangement with this body to assume the complete cost of their maintenance and the responsibility for their protection;

(iii) the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin. Such assistance may take the form of promoting the conclusion of bilateral arrangements for mutual assistance in the repatriation of such persons, having regard to the principles laid down in paragraph (c) (ii) above;

(d) CONSIDERS that no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings and traitors, in conformity with present or future international arrangements or agreements;

(e) CONSIDERS that Germans being transferred to Germany from other States or who fled to other States from Allied troops, do not fall under the action of this declaration in so far as their situation may be decided by Allied forces of occupation in Germany, in agreement with the Governments of the respective countries.

**DEPARTMENT OF STATE****The Legal Adviser**

February 24, 1947.

**MEMORANDUM**

Following is a complete list of the Governments for which, according to information received by the Department of State, the Constitution of the International Refugee Organization has been signed:

Canada	December 16, 1946
Dominican Republic	December 17, 1946
France	December 17, 1946
Guatemala	December 16, 1946
Honduras	December 18, 1946
Liberia	December 31, 1946
Netherlands	January 28, 1947
Norway	February 4, 1947
Philippine Republic	December 18, 1946
United Kingdom	February 5, 1947
United States	December 16, 1946

## APPENDIX II

PRESIDENTIAL DIRECTIVE OF DECEMBER 22, 1945

COPY

December 22, 1945.

Memorandum to—

Secretary of State

Secretary of War

Attorney General

War Shipping Administrator

Surgeon General of the Public Health Service

Director General of UNRRA

The grave dislocation of populations in Europe resulting from the war has produced human suffering that the people of the United States cannot and will not ignore. This Government should take every possible measure to facilitate full immigration to the United States under existing quota laws.

The war has most seriously disrupted our normal facilities for handling immigration matters in many parts of the world. At the same time, the demands upon those facilities have increased manifold. It is therefore necessary that immigration under the quotas be resumed initially in the areas of greatest need. I, therefore, direct the Secretary of State, the Secretary of War, the Attorney General, the Surgeon General of the Public Health Service, the War Shipping Administrator, and other appropriate officials to take the following action:

The Secretary of State is directed to establish with the utmost dispatch consular facilities at or near displaced person and refugee assembly center areas in the American zones of occupation. It shall be the responsibility of these

consular officers, in conjunction with the immigrant inspectors, to determine as quickly as possible the eligibility of the applicants for visas and admission to the United States. For this purpose the Secretary will, if necessary, divert the personnel and funds of his Department from other functions in order to insure the most expeditious handling of this operation. In cooperation with the Attorney General, he shall appoint as temporary vice consuls, authorized to issue visas, such officers of the Immigration and Naturalization Service as can be made available for this program. Within the limits of administrative discretion, the officers of the Department of State assigned to this program shall make every effort to simplify and to hasten the process of issuing visas. If necessary, blocs of visa numbers may be assigned to each of the emergency consular establishments. Each such bloc may be used to meet the applications filed at the consular establishment to which the bloc is assigned. It is not intended, however, entirely to exclude the issuance of visas in other parts of the world.

Visas should be distributed fairly among persons of all faiths, creeds, and nationalities. I desire that special attention be devoted to orphaned children, to whom it is hoped the majority of visas will be issued.

With respect to the requirement of law that visas may not be issued to applicants likely to become public charges after admission to the United States, the Secretary of State shall cooperate with the Immigration and Naturalization Service in perfecting appropriate arrangements with welfare organizations in the United States which may be prepared to guarantee financial support to successful applicants. This may be accomplished by corporate affidavit or by any means deemed appropriate and practicable.

The Secretary of War, subject to limitations imposed by the Congress on War Department appropriations, will give such help as is practicable in—

(a) Furnishing information to appropriate consular officers and immigrant inspectors to facilitate the selection of applicants for visas; and

(b) Assisting until other facilities suffice in—

(1) Transporting immigrants to a European port;

(2) Feeding, housing, and providing medical care to such immigrants until embarked; and

(c) Making available office facilities, billets, messes, and transportation for Department of State, Department of Justice, and United Nations Relief and Rehabilitation Administration personnel connected with this work, where practicable and requiring no out-of-pocket expenditure by the War Department and when other suitable facilities are not available.

The Attorney General, through the Immigration and Naturalization Service, will assign personnel to duty in the American zones of occupation to make the immigration inspection, to assist consular officers of the Department of State in connection with the issuance of visas, and to take the necessary steps to settle the cases of those aliens presently interned at Oswego through appropriate statutory and administrative processes.

The Administrator of the War Shipping Administration will make the necessary arrangements for water transportation from the port of embarkation in Europe to the United States subject to the provision that the movement of immigrants will in no way interfere with the scheduled

return of service personnel and their spouses and children from the European theater.

The Surgeon General of the Public Health Service will assign to duty in the American zones of occupation the necessary personnel to conduct the mental and physical examinations of prospective immigrants prescribed in the immigration laws.

The Director General of the United Nations Relief and Rehabilitation Administration will be requested to provide all possible aid to the United States authorities in preparing these people for transportation to the United States and to assist in their care, particularly in the cases of children in transit and others needing special attention.

In order to insure the effective execution of this program, the Secretary of State, the Secretary of War, the Attorney General, War Shipping Administrator, and the Surgeon General of the Public Health Service shall appoint representatives to serve as members of an interdepartmental committee under the chairmanship of the Commissioner of Immigration and Naturalization.

HARRY S. TRUMAN

## APPENDIX III

## OCCUPATIONAL OUTLOOK

In the below résumé there is shown opposite each general occupational category the percentage and numbers of displaced persons according to an over-all survey who possess the general occupational skills of that category. The occupational outlook in the United States is then given, together with pertinent comments.

## CONSTRUCTION AND MAINTENANCE

(6:7 percent or 24,559 employable persons)

The construction industry is now operating at a high level throughout the country on both residential construction and industrial commercial construction. A seasonable drop until spring is expected during the next few months. Stringencies of construction workers are reported in a number of areas in the country, with a general need for all types of workers. The construction industry is highly unionized.

*Bricklayers.* Anticipated expansion in new construction and repairs makes the outlook very good for the next 5 years; moderate thereafter.

Federal Housing Administration, in its Monthly Digest of Current Housing Situation as of October 1, 1947, shows bricklayers in short supply in the following areas:

Connecticut: Hartford	New York:
District of Columbia: Washington	Albany
Maine: Bangor	Buffalo
Maryland: Baltimore	New York
Massachusetts: Boston	Pennsylvania: Pittsburgh
New Hampshire: Manchester	Rhode Island: Providence
New Jersey:	Vermont: Burlington
Camden	Alabama: Birmingham
Newark	Arkansas: Little Rock

